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ABSTRACT

Instructional materials, activities, and lesson plans used to teach high school students about the law, the legal process, and the legal system are presented. The materials are intended to be incorporated into the U.S. history curriculum. The following topics are covered: procedure for trial simulation; the Boston Massacre; the debate over ratification of the Constitution; power of the Presidency; the right of the individual vs. national security, alien, and sedition acts; treatment of Native Americans; Civil War--questions of constitutionality; Presidential impeachment; the 1894 Pullman Strike; the issue of presumed innocence; the Homestead Strike--a legal approach; war powers; Roosevelt's court packing case; rules of war--World Wars I and II; internment of Japanese-Americans during World Wars II; the Nuremberg trials; freedom of speech and the Nazis; the McCarthy era; draft laws; the United Nations; and freedom of religion. (DB)

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THE SCHOOL BOARD OF SEMINOLE COUNTY

HIGH SCHOOL LAW AWARENESS
CURRICULUM GUIDE
1980

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FOREWORD

State Board Regulations in compliance with 1978 State Law 233.0615 authorizes the Commissioner, in cooperation with the Florida Bar and other appropriate organizations to develop and implement programs and activities for various grade levels, that will stimulate and improve the citizenship education of students by teaching them about the law, the legal process and the legal system.

The Seminole District law awareness writing team provides the following materials, activities and lesson plans which may be blended into the curriculum at appropriate times.

Introduction

Procedure for Trial Simulation

Boston Massacre

Debate over Ratification of Constitution

Power of the Presidency

Right of Individual vs National Security
Alien and Sedition Acts

Treatment of the Indians

Civil War - Question of Constitutionality

Impeachment

Pullman Strike 1894

Presumed Innocent Until Proven Guilty
Haymarket Square

Homestead Strike - A Legal Approach

War Powers

Roosevelt's Court Packing Case

Rules of War - World War I and II

American Concentration Camps
The Japanese Americans during World War II

War Crimes Trial - Nuremberg

Freedom of Speech and the Nazis

McCarthy Witch Hunt

Draft Laws

United Nations

Freedom of Religion

INTRODUCTION

The Incorporation of Law Education into an American History Curriculum: A Learning Activity Program (L.A.P.)

A separate law course on the high school level is not always feasible. American History easily lends itself to the development of legal concepts. The American History curriculum does not need to be changed due to the fact the legal concepts are already contained within the content. The instructor needs only to supplement the legal activities into the subject matter being taught. The possibilities for teaching the law side by side with American History are limitless. The Learning Activities Program (L.A.P.) will supplement and add interest to the American History curriculum.

Procedure to be used in trial simulations

1. Before judge enters the room, Clerk of Court says, "Hear Ye, Hear Ye! The Honorable _____ court of _____ is now in session. Judge _____ presiding."
2. The judge comes into the room. When he raps his gavel, everyone sits down. He asks the Clerk to read the case.
3. Clerk: "The people of _____ versus _____."
4. Judge: "The defendant will please rise while the charges are read."
5. Clerk: "The charges are as follows:
 - 1.
 - 2.
 - 3.
6. Judge asks the defendant's lawyer, "How do you plead?"
7. Defense Attorney's answer _____.
8. Judge tells clerk to begin selection of a jury. Draw names of students from a box and call that person to the jury box.
9. Judge and attorney select the jury. (Pg. 149 see attached)
10. Clerk asks jurors to stand. The Clerk says. "Do you solemnly swear that you will truly try the issue now to be given to you. That you will speak nothing to anyone of the business or matters you have at hand, but among yourselves: nor will you allow anyone to speak to you about the same, but in court. When you are agreed upon any verdict, you will deliver it up in court? Do you so swear?"
11. Jurors answer "I do."
12. Opening statement by the Prosecution "We intend to prove" followed by a brief statement about the essential facts.
13. Opening statement by the Defense "We intend to show" followed by a brief statement about the defendant's innocence.
14. Before each witness takes the witness stand to answer questions for the first time, Clerk asks the witness to put his left hand on the History book, raise his right hand and answer the following question. "Do you swear to tell the whole truth and nothing but the truth in this case under penalty of perjury, so help you God?" When the witness answers "I do", you should tell him to sit down.
15. Prosecution's witnesses are called and sworn in. Direct examination of witness is done by attorney for prosecution.

16. Cross-examination of prosecution's witnesses by the defense.
17. Direct examination of the Defense witnesses.
18. Cross-examination by prosecution attorneys may object for following:
 - A. immaterial - statement has nothing to do with the case
 - B. leading a witness - putting words in the witnesses' mouth
 - C. calling for an unqualified opinion or conclusion by the witness - the witness could not have known this or the witness is not an expert
 - D. badgering the witness - trying to bully the witness

After the judge has heard a discussion of the objection, he will rule on the objection (sustain or overrule). When they have finished questioning a witness, attorneys should say "that is all" or "your witness". Each attorney has the right to cross-examine his opponents' witness and to re-examine his own witness after cross-examination. When both sides are finished the judge should say "you may step down".

19. Prosecution's closing statement which summerizes their case and calls for conviction.
20. Defense's closing statement.
21. Judge instructs the jury explaining that they must render a verdict on each charge. They must talk to no one other than jury members about the case until they reach a verdict. Clerk of Court takes jury to the private room to discuss the verdict.
22. When the jury returns with its verdict the judge orders the defendant to stand and asks the foreman of the jury to read the verdict.

Judge and attorneys select the jury.

1. Twelve (12) prospective jurors are seated in the jury box.
2. Clerk swears the prospective jurors to tell the truth during selection procedure.
3. Judge tells them some basic information about court procedure and informs them of the charges against the accused.
4. Judge questions the prospective jurors. Restrict questions to four or five each; name, occupation, ability to be fair to defendant in this type of case, personal knowledge of any participant in the trial.
5. Attorney for each side may then ask one or two additional questions: bias for or against law enforcement officers, belief in the value of psychiatric testimony. (In reality, jury selection may take several days).
6. Attorneys may challenge for cause any number of jurors they have a concrete reason to believe would not be able to hear the case fairly, e.g., a juror who knows one of the defendants or attorneys.
7. Attorneys may excuse thirteen (13) jurors each without giving any reason.

Punishment

The newspapers today report the problem of dealing with crime and punishment.

L.A.P. Activity

Instructions: The students should compare some of the crimes and punishment during colonial times and today. Hold a debate on the proposition: Resolve that the stocks should be used to punish looters.

Boston Massacre

Following the French-Indian War, British government attempted 'to make laws and statutes . . . to bind the colonies and people of America, subjects of the Crown of Great Britain in all cases whatsoever'. (Declaratory Act, 1766) Americans refused to obey laws that they did not like. The British government sent troops to help keep the peace and to assist in collecting taxes which set the stage for the confrontation between the soldiers and the people called the Boston Massacre.

L.A.P. Activity - Trial of the Soldiers

Instructions: Provide to student adequate data concerning the events in front of the Custom House on March 5, 1770. Assign to students various roles. Provide students with testimony and trial procedure. In classroom, try Captain Preston and other soldiers on the charge of the murder following the procedure for trial simulation.

Roles to be assigned:

Judge

Clerk of Court

Prosecution attorneys - Robert Treat Paine, Samuel Quincy

Defense attorneys - John Adams, Joseph Quincy, Jr.

Jury members (12)

Witnesses for Prosecution

Witnesses for Defense

References:

Scott Spectra Program Promise of America: The Starting Line
pp. 110-114

Alice Dickinson, The Boston Massacre, A Focus Book - Franklin Watts
Inc.

Debate over Ratification of the Constitution

The basic principle of government on which the United States was founded is that government is based on consent of the people. The first written plan of government was the United States Constitution. The members of the Constitutional Convention spent the hot summer of 1787 arguing over the structure and power of a new central government for the thirteen (13) states. Their compromises became a Constitution which was then sent to the individual states for ratification. In the states, the Federalists and Anti-Federalists fought bitter battles which at times seemed to spell doom for the Federal Constitution.

L.A.P. Activity - Ratification Debate

Instructions: Provide to students adequate background on the political and economic conditions of 1787-88 and contests of the proposed Constitution. Allow all students to draw one of the roles:

Samuel Linsworth Smith - a member of slave-owning aristocracy of South Carolina. His fortune has not been affected by economic problems as in New England. He is considering investing in Western lands and is concerned about the Indian danger.

Patrick Henry - Spokesman for the common man during the revolution. He sees the New Constitution as a plot by the upper class to destroy the revolution.

William Jernigan - had been a member of the Sons of Liberty. He had followed Washington from Bunker Hill to Yorktown. He returned home to find that his family was losing their farm because they did not have the cash to pay the taxes.

George Wentworth - was one of Washington's officers during Revolution. He is very concerned about the survival of the New Nation. He believes that the rabble of Mass. (Daniel Shay and his men) are a threat. He wants a strong government to protect men of property.

Richard Thompson - was the son of a farmer. By hard work and wise investment he has become wealthy. He is concerned about the battles between states over boundaries, duties, and taxes - - as well as a lack of stable currency.

Francis Edwards - was a businessman and ship owner. He was very upset because the British government limited his trade with British West Indies. He was also upset with duties between the states and unstable currency.

Jonathan Smith - as a journalist traveled a great deal and was aware of conditions in various states. He was concerned about a possible threat of Spain, France, and England to the survival of the New Nation.

The students should answer the following questions:

1. A strong central government:
 - a. would be a danger to individual liberty.
 - b. would take too much power from the states.
 - c. is necessary to preserve the newly won independence.
2. The government should be run by:
 - a. the rich and well born.
 - b. by the educated who are selected by the people.
 - c. by people who are one of the people.
3. The representation in Congress:
 - a. should be based on population of the state making laws for the nation.
 - b. should be an equal number from each state making laws for the nation.
 - c. should be a representative of the state who relays legislation to the state for approval or disapproval.
4. A stronger government is:
 - a. necessary to have a stable currency.
 - b. not necessary as things were fine under the Articles of Confederation.
 - c. is necessary because the states cannot handle possible rebellion or foreign aggression.
5. The laws of the nation should promote:
 - a. the commercial interest.
 - b. the self-sufficient farmer.
 - c. the slave-owner planters.
6. The power of the President should be:
 - a. limited to prevent him from becoming King.
 - b. great in order to establish a foreign policy to gain respect.
 - c. subject to the veto of the states.

A Federalist would probably answer:

1. C, 2. A, 3. A or B, 4. A or C, 5. A or C, 6. B

An Anti-Federalist would probably answer:

1. A or B, 2. B or C, 3. C, 4. B, 5. B, 6. A or C

The student in debating and voting on ratification should consider the needs and beliefs of the role he has drawn. Each student should be encouraged to make his own interpretation. Although students may have a same role they will interpret it differently. Encourage the students to make an interpretation of their roles' needs and beliefs in order to decide how they should vote on this issue of ratification. If the Anti-Federalists are unwilling to accept the Constitution, suggest a bill of rights.

Power of the Presidency

Presidential power has changed from each term of office. Personalities and world events have often reinterpreted the U.S. Constitution.

L.A.P. Activity - "The Office of the President"

Instructions - The instructor shall present Article II sections 2 and 3 of the U.S. Constitution.

Section 2. The President shall be Commander in Chief of the Army and Navy of the U.S., and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the U.S., except in cases of impeachment. (making of treaties)

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their session. (vacancies)

Section 3. (Additional duties and powers)

He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

.....

Upon an examination of the presidential powers, the students should be able to list those powers enumerated.

The instructor can now discuss those powers in relation to the following topics:

1. Lincoln's suspension of the writ of habeous corpus during

- the Civil War
- 2. Truman's firing of MacArthur
- 3. F.D.R.'s New Deal legislation
- 4. Nixon and Watergate

The film, President of the United States: Too Much Power? MP 2116 (25 minutes) available through the Seminole County Audio Visual Center, will provide a good overview to the presidential powers question.

Rights of Individual vs National Security

In the 1790's the Federalists fearing that Jefferson's Republicans were a threat to national security, enacted the Alien and Sedition Acts. The Supreme Court's right of judicial review had not yet been established. Jefferson and Madison developed the theory of nullification to counter the threat to liberty.

L.A.P. Activity - Case Against Alien and Sedition Act

Instructions: Provide the students with adequate background of political conditions, the provision of the Alien and Sedition Act and the Bill of Rights. The students acting as a lawyer for the American Civil Liberties Union should prepare a brief to appeal the conviction of a newspaper editor.

Treatment of the Indians

Since the arrival of the first white man, the Indians were continually pushed off any piece of land that the white men wanted for themselves.

L.A.P. Activity - Indictment of Andrew Jackson (or Americans as a whole) for crimes against the Indians

Instructions: Provide students with the war crimes as defined by the London Agreement of 1945 and used at the Nuremberg Trial.

2. Crimes Against Peace - violation of international treaties, agreements, and assurances.
3. War Crimes - murders of millions of people, use of slave labor, mistreatment of prisoners of war, stealing public and private property, destruction of cities, towns, and villages which was not militarily necessary.
4. Crimes Against Humanity - killing of millions who were considered undesirable for political, racial, religious, physical reasons.

The student should outline a case against Andrew Jackson which includes material evidence by bringing in speeches, public statements, photographs, letters, etc.

Civil War a Question of Constitutionality

The southern states' secession was in direct violation of the United States Constitution. Before the secession the question of states' rights versus federal rights was a hotly debated issue.

L.A.P. Activity - "Federal System va Sovereignty"

Instructions - The students should be prepared with the political background of the Civil War. The instructor will present the issue that the United States is a federal system of government and the consequences of states being allowed to leave the Union. Finally the students will read Article I Section 10 of the United States Constitution. They should list the areas the southern states were in violation of.

Impeachment

The United States Constitution sets forth the procedure for the impeachment process. Andrew Johnson was impeached in 1868. He escaped a guilty conviction by one vote.

L.A.P. Activity - "Impeachment"

Instructions: The students should examine the United States Constitution and list the powers of the House of Representatives and the Senate in regard to impeachment. Next a list of crimes which the President can be convicted of should be formed. It should be discussed with the students that Presidents may be removed from office for crimes only in this nation as compared to Great Britain which uses impeachment as a political process to remove officials. Finally, the students should examine who Johnson was impeached, if it met the criteria set up by the United States Constitution and if the impeachment had succeeded how it would have affected presidential independence.

Johnson's Impeachment

The President and the Congress violently disagreed on reconstruction policy. The Congress passed legislation which limited presidential power. The Tenure of Office Act of 1867 made it impossible for Johnson to control his staff. The act required removals and appointments to be approved by Congress. Thus, the impeachment stage was set. Johnson did not believe the Tenure Act was legal and tried to remove Secretary of War Edwin Stanton from office. The House of Representatives resolved that Johnson be impeached because of his attempted removal of Edwin Stanton.

Note: Had the impeachment been successful, presidents would no longer have been safe in disagreeing with the House or Senate.

Reference

John Kennedy, Profiles in Courage "Edmund G. Ross"

The Pullman Strike 1894

As the result of violence during a strike dispute between Pullman Co. and its workers, the president of American Railway Union, Eugene Debs, was tried and found guilty of interference with the mail and interstate commerce.

L.A.P. Activity - Trial of Eugene Debs

Instructions: Provide to students adequate data concerning the Pullman Strike. Assign to students various roles. In classroom try Eugene Debs on the following counts:

1. Violation of the Sherman Antitrust Act which outlawed any combination in restraint of trade.
2. Stopping the United States mail.
3. Refusing to obey a federal injunction.

The following roles will be assigned:

1. Prosecution witnesses:

George Pullman - founder and president of Pullman
Richard B. Olney - United States Attorney General
Edwin Walker - special federal attorney to handle
the strike. He was an attorney for a railroad that
belonged to the General Managers Association.
General Miles - officer commanding the troops

2. Defense witnesses:

Eugene Debs - leader of the Pullman workers
John Altgold - Governor of Illinois
Anna B. - worker in a factory who witnessed violence
John D. - member of Pullman union
Judge
Clerk
Prosecution attorney
Defense attorney
Jury members

Reference: The Rise of Organized Labor
Xerox Education Publication

"Presumed Innocent Until Proven Guilty"

The american legal system is based on the premise that the defendant is presumed innocent until proven guilty. Yet there have been a number of cases in which public opinion and the press may have failed to follow this holy principle.

L.A.P. Activity - Haymarket Square

Instructions: Provide the students with needed data concerning Haymarket riot and trial. The students should prepare a brief to appeal to Governor Alfgeld for a pardon for the defendants. Compare the trials of Haymarket defendants and Black Panther.

Reference:

American Education Publication Political Justice:

The Haymarket Three, Xerox Corp. 245 Long Hill Road,
Middletown, CT 06457

Homestead Strike: A Legal Approach

The industrialization of the United States at the beginning of the twentieth century brought America into a new age. There were new legal precedents which applied to the changing business sector.

L.A.P. Activity - "The Homestead Strike"

Instructions: The film "The Masses and the Millionaires: The Homestead Strike" MP 2150 (26 minutes) available from the Seminole County Audio Visual Center is to be shown. In addition to the instructors' American History plans, the legalistic approach may be included. The following questions should be discussed from the film.

1. What are the legal responsibilities today as compared to yesterday for injuries? (Workman's compensation, death benefits)
2. Did the union man have the right to use force against the guards? What other recourse did they have?
3. What constitutional rights did the unions lose?
4. What individual rights did the members lose by the blacklist?

War Powers

During war time the United States has suspended some Constitutional rights that United States citizens are entitled to. Emergency suspension of rights is controversial and must be weighed against national security.

L.A.P. Activity - "Was It Necessary"

Instructions - The instructor will present the following situations during World War II where the United States government suspended individual rights. The students should match the correct Bill of Rights article with the situation. A classroom discussion should follow the listing. Included in the discussion should be the reasons the government suspended the right, if it was necessary for security and if it should be permitted again.

1. Censorship of radiograms and cables to Europe.
2. Letters going outside the country were examined.
3. Roundup of Nisei, Germans, and Italians.
4. Censorship of the news.

Roosevelt's Court Packing

In 1937 Roosevelt's displeasure with the Supreme Court of the United States came to a head. Franklin Delano Roosevelt knew that a constitutional amendment to limit the authority of the court would not be ratified. Thus, in 1937, he presented a proposal to the United States Congress in which he stated there was not a sufficient number of justices to complete the work load. Therefore, he proposed that a federal judge who had served ten years and had turned 70 years of age had six months to retire or resign. If the judge did not retire or resign, the President could appoint a new judge. The President could appoint six new Supreme Court justices and 44 new federal judges. The judiciary hearings were unsuccessful and the plan failed.

L.A.P. Activity - "The Midnight Judges"

Instructions: The instructor should present the background material on F.D.R's court proposal. The students should examine Article V of the United States Constitution which sets forth the procedure to amend the United States Constitution. The class should next discuss the legality of congressional legislation which could bypass the amendment article. The class should finally draft an amendment proposal which would be based on the premise that changes be made only by the states.

Rules of War

An international peace conference was held at The Hague in the Netherlands in 1907. During the conference, guidelines were developed to establish rules of war. These rules were formal declarations of war before hostilities began:

no land mines

rights of neutrals

bombing of non-military towns not permissible

L.A.P. Activity - "Making War Respectable"

Instructions: Each individual student is to select a name for his nation either real or fictional. The teacher is to assign the students into groups of five. Each group will then draft a proposal of guidelines to wage war by. Upon completion of the group work, the entire class will convene to create one set of rules which all the nations can follow. Majority will rule.

American Concentration Camps: The Japanese-American during WWII.

During World War II Hitler instituted concentration camps to round up undesirables and create a master race. After the bombing of Pearl Harbor, the Americans, fearful of the Japanese-Americans, organized relocation camps for the purpose of national security. The native born Americans whose ancestors came from Japan or Misei, were deprived of property and civil rights.

L.A.P. Activity - Controlling the Masses

Instructions: The instructor will assign five people to each of the following groups:

The Trogs	The Figs
The Dregs	The Nogs
The Nits	The U.F.P.C. Tribunal

With the exception of the Tribunal, each group is to meet and formulate arguments as to why they should not be relocated citing perhaps contributions, accomplishments, and loyalty to the country. The following account is to be handed out and read by each group.

It is the year 2342 on the United Planet Earth. In order to preserve society, populations must be controlled. To do this, groups are called periodically to the United Federation of Population Control Tribunal. This group's task is to strip groups of their property, rights, and identities, and relocate them in concentration camps for possible extermination. On this day in April 2342, five groups, the Trogs, the Dregs, the Nits, the Nogs, and the Figs are called to the Tribunal. Two of these groups are to be relocated to concentration camps in which there is no chance of survival. It will be the sole responsibility of the Tribunal to make the decision determining which groups will be relocated. Each group will have one chance to prepare and present its case in an attempt to avoid being chosen by the Tribunal.

War Crimes Trial

Following World War II the victorious allies pledged to presecute punish the major war criminals of the European Axis at Nuremberg, as well as courts in various countries where Germans had committed atrocities, trials were held for persons charged with war crimes. These trials set a precedent that individuals and groups could be charged for "crimes against humanity" in waging war.

L.A.P. Activity - Nuremberg War Crimes

Instructions: Provide to students adequate data concerning conditions in Europe from 1918 to 1945, and the development of the Nazi party and its ideals and actions. Provide trial procedure handout to students through use of lecture, textbooks, films, etc. Assign to students various roles. The four judges - - one from each of "Big Four" will make the decision of innocence or guilt.

The following roles will be assigned:

Defendents:

Hermann Goering - Reichmarshall, second in command -
Indicted on all four counts

Julius Streicher - Editor of Der Stuermer Franz von Paper
Vice Chancellor

Fritz Sauckel - In charge of forced labor procurement

Albert Speer - minister of armaments and war production

Guard at Auschwitz

Witnesses for prosecution - as many as necessary to present
data

Witnesses for Defense

Judges (4)

Clerk of Court

Prosecuting attorney (3)

Defense attorney (3)

In the classroom try the defendants on the following charges:

1. The Common Plan or Conspiracy - formation of the Nazi party as the instrument of cohesion for bringing the conspirators together, development of the Nazi party to use war to overthrow the Treaty of Versailles and the restrictions on military armament to regain lost territories and territories of other people for Lebensraum, as well as specific aggressive actions.
2. Crimes Against Peace - violation of international treaties, agreements, and assurances.
3. War Crimes - murders of millions of people, use of slave labor, mistreatment of prisoners of war, stealing public and private property, destruction of cities, towns, and villages which was not militarily necessary.
4. Crimes Against Humanity - killing of millions who were considered undesirable for political, racial, religious, and/or physical reasons.

Allow two to three days to prepare case and two to three days to try and reach verdicts. Each witness should create a role such as Pole who witnessed the German extermination of people in the Lvov region or American soldier who took part in the liberation of a death camp, etc. Pictures, etc., may be used as evidence.

Suggestions: Ask media specialist to provide research materials for use in the classroom. Each attorney will prosecute or defend two defendants. Remaining students will assist in doing research and acting as witnesses.

Freedom of Speech and the Nazis

Should a Nazi be free to speak?

Are there limits to freedom of speech?

Can a man be punished for what he has said? Hitler used democracy and freedom of speech to gain power in Germany. Should the United States government limit unpopular speech?

L.A.P. Activity -

Instructions: View film The Bill of Rights in Action: Freedom of Speech (MP 291) Seminole Audio Visual Center, followed by classroom discussion.

Joseph McCarthy's Witch Hunt

Un-American activities investigations began in this nation in 1792 with the first congressional investigation. Major General Arthur St. Clair withdrew his troops from the Ohio frontier. He was tried before a congressional committee for subverting the cause against the Indians. These congressional hearings have continued to present times. One of the more famous hearings was the McCarthy Witch Hunt.

L.A.P. Activity - "You Are There"

Instructiona: Your classroom will be turned into a congressional hearing room during the McCarthy era. The instructor should establish background information on Joe McCarthy, the hearings, types of persons accused, guilt by association and the necessity of proving oneself innocent.

The following roles will be assigned:

- Ten congressional committee members
- Joseph McCarthy
- John Green - attorney for the Daily Worker
- Mike Smith - witness against movie industry
- Sandra Young - movie star
- Gary Travolta - movie star
- Edward G. Robinson - movie star
- George Marshall - Secretary of Defense
- Theodore Dreiser - author
- William Bundy - CIA official
- Irving Peress - dentist

Each student should be given a copy of the role descriptions. This will enable them to form conclusions from the hearings.

ROLE DESCRIPTIONS

Congressional Members - You are charged with the questioning of witnesses and accused persons. You are free to ask anything that would help your committee determine who the Communists are. You may read the background information on the persons testifying before you. All of you do not accept the concept of persons taking the 5th Amendment. In your opinions it is assumed these persons are guilty when they do so.

Joseph McCarthy - You are assuming the role of Joe McCarthy. Your political goal for publicity drives you to further your hunt for communists. You use guilt by association, unfounded facts, lists, and that people are guilty until proven innocent.

John Green - You are an attorney for the editor of the Daily World, the communist newspaper in New York. You do not believe in your client's philosophy but it is your constitutional duty to work for the best interests of your client.

Mike Smith - Member of the Screen Actors' Guild. You will testify against Hollywood persons. You will include in your testimony the names of Sandra Young and Gary Travolta. You feel the Screen Actors' Guild has been infiltrated with communists. You base your information on the fact that there are people who are acting like communists. They vote against the majority, say things at the wrong time. You have heard Sandra Young say that the United States Constitution is 150 years old. You will also testify that Gary Travolta made the statement 'the Congress should be done away with'.

Sandra Young - Mike Smith will indicate that you are a communist because you made the statement 'the United States Constitution was 150 years old'. You must defend yourself before the committee. You are a movie star.

Gary Travolta - Mike Smith will testify that you made the statement 'the United States Congress should be done away with'. You must defend yourself. Your work as a movie star is threatened.

Edward G. Robinson - Movie star who has been blacklisted. During World War II you supported pro-Russian organizations which was not unusual because Russia was an ally. You must defend yourself.

George Marshall - You are the Secretary of Defense. You have served the United States faithfully. You are accused of letting China turn communist.

Theodore Dreiser - You are a famous author. Your name has appeared on a list of authors who are communist. You must defend yourself.

William Bundy - You are a CIA official who has contributed \$400 to a defense fund for Alger Hiss. You are now listed as a communist, not fit to serve the CIA.

Irving Peress - You were drafted during the Korean War. On your loyalty questionnaire you took the 5th Amendment on the question whether you had served with any organization which advocated the overthrow of our government. You must defend yourself.

Draft Laws

During war times there has been a resistance to conscription in this nation. From the American Revolution through the Vietnam Conflict the protest of drafting your men for armed service has continued. Recent developments in the quality of our volunteer army and the world situation being one of crises, the United States Congress has reinstated draft registration. While the majority have complied with this request by our government, some have not. Those that have not complied to the registration claim that women were excluded and therefor it is not legal.

L.A.P. Activity - "Draft Board" (simulation)

Instructions: In this activity your classroom will turn into a local draft board. The instructor will need to familiarize the students with the following categories which would exempt one from the draft during the Vietnam War.

1. Attending college and passing
2. Sole surviving son
3. Teachers
4. Occupations necessary for defense
5. Farmers
6. Financial hardship

The following roles will be assigned by the instructor:

Five (5) draft board members
Twelve (12) potential draftees
Ten to fifteen (10-15) assorted family members

Draft Board Members:

1. Samuel Underwood - Influential businessman
2. Edna Bankworth - widow of oil magnate
3. Emmett Sinclair - President of Sludge University
4. Joseph Fullford - County Commissioner
5. Janet Clark - Housewife and local ERA representative

Draftees:

1. Chuck Roast - A student in his senior year at Sludge U. He is making high marks. He found out through the mails that he may be eligible for the draft. He must go down to plead his case. Both parents will be there. (student exemption)
2. Jim Naysium - A teacher/coach at Spudville High School. He got into teaching because it was a "safe" occupation. He's been teaching for just a few months and has received notice to report to the draft board. (necessary occupation)
3. Tom Mato - Works as a clerk in a local department store. Has recently become a father by the birth of a boy to him and his wife. This was thought to be enough to exempt him but he has been called to the draftboard. His wife will show up with him to address the board. (father exemption)

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United Nations

In April 1945 at the San Francisco Conference, the United Nations Charter was completed. Of the 50 nations in attendance, the United States was the first to ratify the Charter. The United Nations has as its goals to:

1. maintain international peace and security
2. by collective action remove threats to peace and suppress acts of aggression
3. develop friendly relations among nations
4. promote respect for human rights
5. encourage international cooperation in solving problems

The organization of the United Nations is comprised of six groups:

1. General Assembly
2. Security Council
3. Secretariat
4. International Court of Justice
5. Trusteeship Council
6. Economic and Social Council

L.A.P. Activity - "United in Peace"

Instructions: The instructor will assign the following roles:

- 30 member nations (who simultaneously belong to the General Assembly, Security Council and Trusteeship Council)
- 15 nations that belong to the International Court of Justice (of the original 30)
- 15 nations (remaining) that belong to Security Council
 - 1 Secretary General
 - 2 Secretary General staff members

The instructor will allow library time to let students familiarize themselves with the function and duties of their offices. (Encyclopedias or American History Review Text by Irving Gordon are good sources for this). After students have been introduced to the various offices and their functions, the following situations can be presented to the appropriate agencies for discussion and action.

Situations:

1. Invasion of a country by another.
2. Capture of an embassy by another country.
3. Suppression, by one country of a revolt in another which threatened their philosophy.
4. Hunger and starvation in a country as a result of drought.

4. Nosmo King - He holds a part-time job at a grocery store but hasn't had a full-time job since high school graduation. He sells his blood for extra money. He has stated he will take any or all measures to resist the draft. He has shown up at the draft board hearing partly because of his notification and partly to voice his views of the draft. His longtime "roomie" Euwanna Kiss accompanies him. (draft register)
5. Frank Lee - A quiet, young man who, by virtue of his faith, does not believe in war or in killing another human being. He brings his minister and parents with him. (conscientious objector)
6. "Doc" Welby - Is one of the only two doctors in Spudville. He is fresh out of medical school and has just started his practice. He, like Jim Naysium, will use the fact that his job is necessary to the community. He will bring the aged and other community doctor Dr. I.M. Painful to help his cause. (necessary occupation)
7. Bill Rights - Recently graduated from college with a liberal arts degree. He believes his potential lies in getting into an occupation early and establishing a career not in serving in the armed forces.
8. Tom A. Hawk - A member of the Yahoo Tribe that settled the Spudville area early. Believes that white men instituted the draft laws, and white men, not Indians, should obey them. He brings a tribunal member who is an attorney. (Indian)
9. John Stalin - A member of the local American Communist Party. He denounces his draft notice as the work of capitalist imperialist dogs. A couple of sympathetic members show up with him. (communist)
10. Matt Terial - Matt's dad was killed in the last war. His mother, confined to a wheelchair has to care for him and his twin baby brothers. His mom will appear with him. (widow's son)
11. Hal Lelujah - Hal is Spudville's minister. He is in his twenties. He has a large congregation who rely on his support and dedication. He realizes war is necessary but doesn't look forward to it. (minister)
12. Bill E. Goat - Bill is the only son of a farming family. His presence is needed at the farm to help with the chores. If he is drafted and killed, it will end the Goat family name. Both parents accompany him to the meeting. (only son)

5. A divided country that is in need of reunification.
6. Claim of one country that rebel forces of another were inside its borders.
7. Tensions at the border of two neighboring countries.
8. Civil crisis within a country.
9. Minority government controlling and exploiting the majority in a country.
10. Violation of civil rights of a group in a country.

Freedom of Religion

Through our Bill of Rights many of our basic liberties are protected. Speech, press, and religion are all included in the first amendment. Of these, freedom of religion expresses a separation of church and state. To emphasize this, the following activity can be used.

L.A.P. Activity: Religion and the Right to Life?

Instructions: The instructor should show the film: Our Bill of Rights: Freedom of Religion (MP-462) to the class. After the film is over, a discussion should be led posing the question: Does a person have the right to endanger the life of another (unborn child) because of a conflict in their religious beliefs. The instructor should try to resolve this with the class.

HIGH SCHOOL LAW AWARENESS EDUCATION

Learning Activity Program (L.A.P.)

I. Prologue

II. Instructional Objectives

- Origins of Law
- Constitutional Law
- Criminal Law
- Juvenile Law
- Torts
- Family Law
- Consumer Law
- Housing Law

III. Florida Court System

IV. Origins of Law

- Natural Law
- Constitutional
- Statutes
- Common
- Case
- Ordinances
- Administrative Regulations

V. Constitutional Law

- Bill of Rights
- Freedom of Religion
- Freedom of Speech
- Fair Trial vs Free Press
- Search and Seizure
- Freedom of Press vs Privacy and Media

VI. Criminal Law

- Classification of Crimes
- Defenses to Crimes
- Police Procedure Forms

VII. Criminal Process

- Police Procedure Forms
- Office of State Attorney Forms
- Simulation Game "Pay Your Dues"

VIII. Juvenile

In Re Gault
Comparison of the Adult and Juvenile Justice
Systems in Florida
Florida Juvenile Justice System component parts
and Flow Chart
Juvenile Petition Form
Case Study of Dan
Case Study of Mary Beth
Researching Parental Liability Laws

IX. Family Law

Tying the Knot Marriage Form
Rights and Responsibilities Parents/Juveniles
Commonwealth vs Hall
Painter vs Bannister
Divorce Court
Wills Activity I and II

X. Torts

Case Studies

XI. Consumer

Small Claims Court
Small Claims Court - Simulation Game
Obtaining Credit
Consumer Assistance Agencies

XII. Housing

Closing
Apartment Lease

XIII. Appendix

Guest Speaker Procedure
Court Forms and Visitation
List of Speakers

HIGH SCHOOL LAW AWARENESS EDUCATION:

Learning Activity Program

(L.A.P.)

The Learning Activity Program is designed for daily student/teacher usage in supplementing a Law Education Curriculum. The L.A.P. includes Origins of Law, Florida Court System, Constitutional Law, Criminal Law, Criminal Process, Juvenile Law, Family Law, Torts, Consumer Law, Housing Law, and Automobile Accidents.

INSTRUCTIONAL OBJECTIVES

The L.A.P. is designed for supplemental activities in a law education curriculum. The instructional objectives have been included to familiarize the instructor with the overall content goals of law Education.

INSTRUCTIONAL OBJECTIVES: ORIGINS OF LAW

1. A study of the law is new to most high school students. In order for them to gain the most from later materials which set forth legal principles and procedures, a certain amount of background knowledge is necessary. In this introductory unit, students should develop:
 - a. an appreciation of the need for law;
 - b. a respect for what law tries to achieve (i.e., an objective and equitable system for settling society's disputes);
 - c. an understanding of how laws are made.

INSTRUCTIONAL OBJECTIVES: CONSTITUTIONAL LAW

1. Students need to learn the legal principles of individual rights law as guaranteed under the United States Constitution, federal statutes and applicable state and local laws and regulations in order to recognize:
 - a. when their rights have been or are being violated;
 - b. what remedies are available to them in such situations of rights violations;
 - c. what their responsibilities are so they do not undertake activities when they think they have a right but do not.
2. A study of individual rights law should develop in students an appreciation of the fact that:
 - a. most individual rights are not and can not be absolute;
 - b. Constitutional Amendments usually restrict only Congress or the state from taking away certain rights (although laws have been passed at the federal, state, and local levels prohibiting individuals from taking away certain rights);
 - c. enforcing or exercising certain rights can be expensive and time consuming to the individual and there is no certainty of success.
3. In analyzing instances of conflicting rights within our Constitutional system, students should develop the ability to identify the precise interests underlying those rights and balance them in order to arrive at socially acceptable solutions.
4. Students should develop not only a greater consciousness for preserving their own individual rights but also an expanded tolerance of the individual rights of others.

INSTRUCTIONAL OBJECTIVES: JUVENILE LAW

1. Students will be able to identify the differences between the adult justice system and the juvenile justice system.
2. Students will learn to distinguish between rights and responsibilities of juveniles and their parents.
3. Students will be able to trace the origin of the juvenile justice system and its philosophy.
4. Students will be able to identify and list the differences between a dependent juvenile and a delinquent juvenile.
5. Students will be able to discuss and list the problems and solutions to the problem of ungovernable juveniles.

INSTRUCTIONAL OBJECTIVES: CRIMINAL LAW

1. Students should learn the principles of criminal law in order to know what actions society has chosen to prohibit and punish.
2. Students should learn the basic operation of the criminal justice system in order to see how, within the limits of the Constitution, society has chosen to handle those accused of criminal acts. One purpose of such a learning experience is to help students better protect their legal rights if ever they, their friends or families are involved with the criminal justice system.
3. Students should seek to understand the rationale underlying criminal laws and procedures and the purposes for punishing those who have broken the laws.
4. Once they have gained an integrated overview of criminal law, students alienated from the entire system of criminal justice, from the informal police stop on the street to parole revocation hearings, should be able to better accept existing laws and procedures and will, hopefully, direct remaining criticism into constructive channels (e.g., to legislators).
5. Students should become sensitive to the rights of two special groups within the criminal justice system: prisoners and juveniles. The emphasis in prison and juvenile law, as in other parts of the chapter, is not only on having students learn what the law is, but also what it could be.

INSTRUCTIONAL OBJECTIVES: CIVIL LAW (TORTS)

1. Students should be aware that a tort is a civil wrong not involved with government or breach or contract which can be remedied by an action for damages by the court.
2. Students should be able to identify the three main types of torts:
 - a. Intentional torts which involve other persons and are crimes;
 - b. Strict liability involving activity allowed by law but potentially dangerous;
 - c. Negligent acts which are concerned with negligent or careless acts.

INSTRUCTIONAL OBJECTIVES: FAMILY LAW

1. Students need to learn the legal principles of family law so they will know:
 - a. what to do to get married and to end marriages;
 - b. what the rights and duties of parents and children (including illegitimate, adopted, and step-children) are;
 - c. what remedies are available when a family member is being deprived of a right.
2. Students should learn how government programs (e.g., support for the needy) and laws (e.g., on inheritance, birth control, and abortion) affect their lives as members of a family.

INSTRUCTIONAL OBJECTIVES: CONSUMER LAW

1. Students need to learn the legal principles of consumer law so they can recognize:
 - a. when as consumers they are in legal situations (e.g., when an enforceable contract between buyer and seller has been made);
 - b. what rights and responsibilities attach to each part to the contract (e.g., exactly what promises buyer and seller must carry out and what promises buyer and seller can expect the other party to carry out);
 - c. what remedies are available when a party to the contract does not do what he or she promises to do.
2. Learning elements of consumer law should heighten a student's awareness of himself as a consumer.
3. As a result of their study of consumer law, students should develop a more positive attitude toward the role the legal system can play in redressing consumer grievances.
4. The most important goal of any course in consumer law is to develop better consumers. In terms of performance objectives, students should:
 - a. develop behavior which will maximize their chance of making a purchase on terms most advantageous to them (positive action);
 - b. develop behavior which will minimize their chance of being harmed as consumers (preventive action);
 - c. develop behavior which will maximize their chance of recovery if harmed as consumers (remedial action).

INSTRUCTIONAL OBJECTIVES: HOUSING LAW

1. Most students will someday be either tenants or landlords. For this reason, they need to learn the basic duties of each of the parties to lease agreements. Further, because the relationship between legal rights and responsibilities is at the very heart of landlord-tenant laws, students should recognize how the duties affect each other:
 - a. Landlord performs proper upkeep and repair and allows his tenant to enjoy the property without undue noise or other disturbances. (landlord's responsibility)
 - b. Tenant is expected to take reasonable care of the landlord's property. (landlord's right)
 - c. Tenant pays rent and properly cares for the landlord's property. (tenant's responsibility)
 - d. Tenant, who pays rent and properly cares for property, is entitled to upkeep and repair services and the quiet enjoyment of the property. (tenant's right)
2. When there is a breakdown in the mutuality, one or both of the parties to the lease is aggrieved. Students should be able to use available remedies, both formal and informal, to resolve such disputes. Students should:
 - a. know where to find and how to use local statutes which codify the standard of care to which landlords are to adhere. In other words, they should be familiar with the housing regulations where they live as well as knowing how the housing inspectors and other municipal government officials enforce the regulations;
 - b. know how to seek help from attorneys, municipal governments and the courts in attempting to settle disputes with landlords;
 - c. know what steps to take if sued by the landlord.
3. Students should begin to identify some of the issues involved in purchasing a home, including choice of renting or buying, problems involving financing the purchase and the special advantages of condominiums and cooperatives.
4. Students should be able to see the mechanism which the federal and local government has established to handle complaints arising from discrimination in the rental, sale, or financing of housing.

FLORIDA COURT SYSTEM

The Florida Court System is comprised of four main components;

1. County Courts
2. Circuit Courts
3. District Courts of Appeal
4. Florida Supreme Court

Each of the four systems has unique and distinct elements that set it apart from the other three.

The following charts are to be used to supplement an introduction to the Florida Court System.

FLORIDA COURT SYSTEM

Florida Supreme Court

7 Justices 6 year terms

appeals on the constitution
validity of state law
conflicting appellate decisions
cases of public interest



District Courts of Appeal

5 Judges each district 6 year terms

Five districts: 1. First district . . Tallahassee
 2. Second district .. Lakeland
 3. Third district ... Miami
 4. Fourth district... West Palm Beach
 5. Fifth district ... Daytona Beach

appeals from Circuit Courts in most civil and criminal cases



Circuit Courts

20 Circuits 6 year terms (263 Judges)

1. Civil cases involving more than \$2500
2. Probate estates
3. Juvenile delinquency
4. Family cases - divorce, guardianship
5. Criminal felonies: 1st - 30 years, \$10,000.00 or both
 2nd - 15 years, \$10,000.00 or both
 3rd - 5 years, \$5,000.00 or both



County Courts

67 counties 4 year terms (162 Judges)

1. Criminal misdemeanors: 1st - \$1,000.00, 1 year or both
 2nd - \$500.00, 60 days county jail or both
2. Civil Suits under \$2500.00
3. Traffic
4. Small Claims Court

APPELLATE COURT DISTRICTS

AND

JUDICIAL CIRCUITS

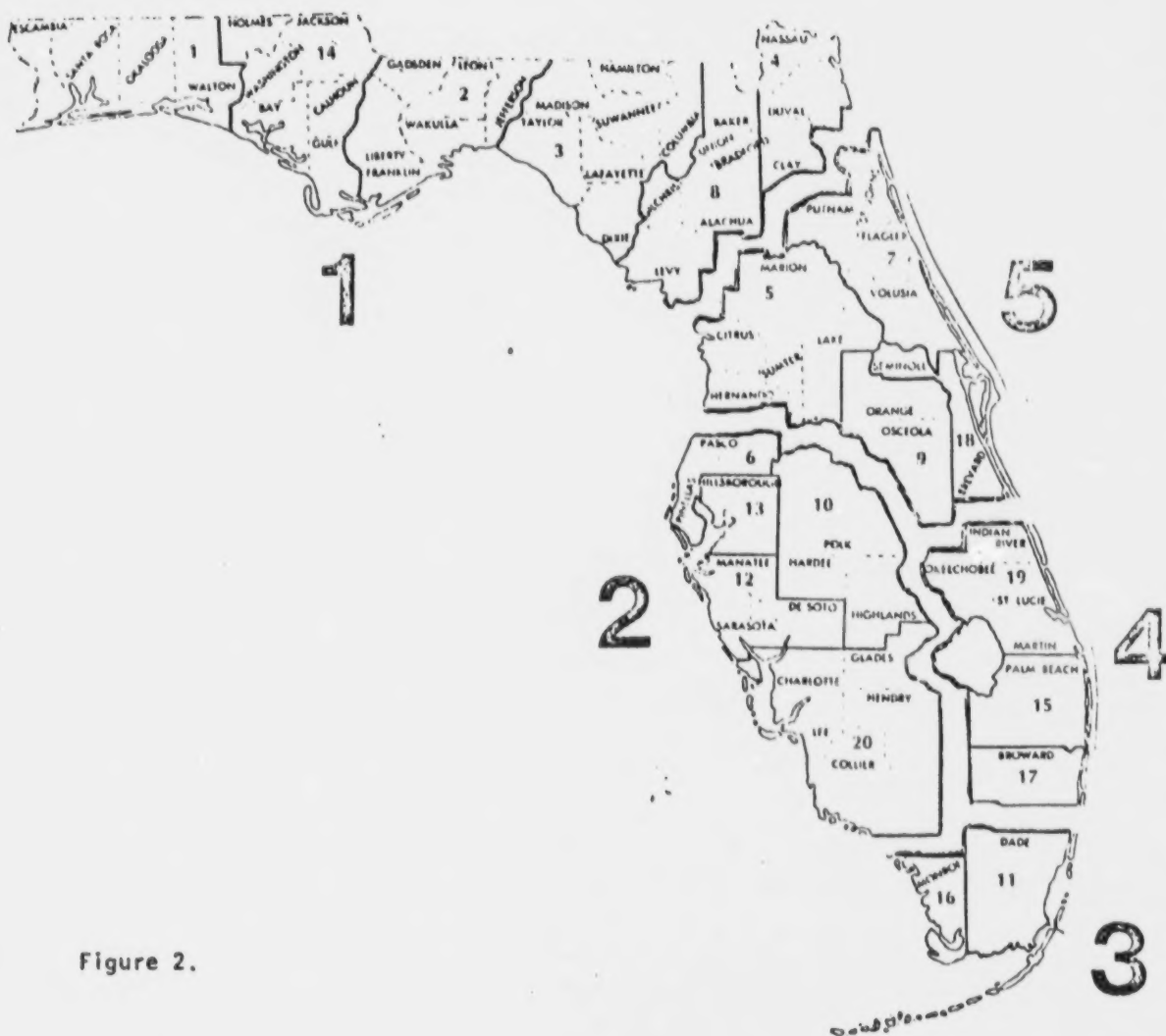


Figure 2.

ACKNOWLEDGEMENTS

OFFICE OF THE STATE ATTORNEY

Douglas Cheshire
Seminole County Courthouse
Sanford, Florida 32771

RABAIL, JAWDETT I

"Small Claims in Florida"

SANFORD POLICE DEPARTMENT

Sgt. Bill Bernosky
Sanford Police Department
Sanford, Florida 32771

STUDENT INTRODUCTION TO FLORIDA LAW

Bruce Flower
West Publishing Company
1978

THE FLORIDA BAR

Ann Marie Karl
Florida Youth and the Law Project
Tallahassee, Florida 32304

ORIGINS OF LAW

The following activities are designed to facilitate the introduction of sources of law to the student.

The L.A.P. examples for Origins of Law will include:

Natural Law

Constitutional Law

Statutes

Common Law

Case Law

Ordinances

Administrative Regulations.

NATURAL LAW

One of the basic concepts students need to develop is an awareness of the origin of laws and why laws are necessary for society to function.

L.A.P. Activity - "Moon Colonization"

Instructions: The classroom is to be divided into the following listed special interest groups. All special interest groups have been sent to colonize the moon and form a new society. The classroom must devise a system of laws upon which the majority will agree. Classroom discussion at the end of the activity is recommended in order to discuss the problems of establishing a new society.

- I RADICALS - This group envisions the moon as a new type of society devoid of governmental and military regulation. They are anti-government, anti-military, anti-corporate, and anti-ERA. They identify with the goals of the environmentalists.
- II ERA (Equal Rights) - This group wishes to insure participation and equal rights for both sexes in the colonization and exploration of the moon. They are anti-radical and anti-military. They are pro-corporate and neutral regarding the environmentalists.
- III ENVIRONMENTALISTS - This group will strive to preserve the moon's original and unpolluted environment. They are anti-corporate and anti-military. They are neutral with regard to the radicals and ERA.
- IV CORPORATE (Business) - Exploitation of the moon's resources for profit is the main goal of this group. They are anti-environment, anti-radical, and anti-ERA. They are pro-military.
- V MILITARY - This group seeks the moon to attain nuclear space superiority. They are anti-radical, anti-ERA, and anti-environment. They are pro-corporate.

CONSTITUTIONAL LAW

Constitutions are used by both state and federal governments to provide the principles of law that must be obeyed. Copies of our federal constitution are readily available in any American History text. A classroom set of the Florida Constitution is available by writing to:

Department of State
Capitol Building
Tallahassee, Florida 32304

L.A.P. Activity - "Comparing the United States and Florida Constitutions"

Instructions: Each student is to be given a copy of both United States and Florida Constitutions. After skimming over both constitutions, students are to make a list of the similarities and differences between the two. After each student has completed his/her list, the instructor will compile a master list on the board showing most of the similarities and differences between the two constitutions. A brief discussion should accompany this master list by the teacher and the class.

STATUTES

The laws enacted by a lawmaking body provide limitless classroom possibilities. Students should be introduced to the Florida Statutes book. Instructional selections may include criminal and civil law.

L.A.P. Activity - "F.S. 791.01 Fireworks"

Instructions: The instructor will hand out copies of the fireworks statute. Each student will read the entire statute. The instructor will then lead a class discussion on the statute centered around its purpose and content. The instructor may want to cite other examples of statutes from the "Florida Criminal Law" handbook available from the Seminole County Sheriff's Department for \$1.50 per copy.

791.01 Fireworks defined.

1. The term "fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or, except as hereinafter provided, any article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, fire-crackers, torpedoes, skyrockets, Roman candles, dago bombs, and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance.
2. The term "fireworks" shall not include sparklers, toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper caps which contain less than twenty hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times.

COMMON LAW

Common law is a system of laws built up over the years. It varies from society to society. One good example is the common law marriage outlawed in Florida January 1, 1968.

L.A.P. Activity - "Eskimo Case"

THE ESKIMO CASE

From: E. Adamson Hoebel, The Law of Primitive Man: A Study in Comparative Legal Dynamics. Cambridge: Harvard University Press, 1964, p. 77.

A hunter living on the Diomed Islands related to the writer how he killed his own father, at the latter's request. The old Eskimo was failing; he could no longer contribute what he thought should be his share as a member of the group, so he asked his son (then a lad about 12 years old) to sharpen the big hunting knife. Then he indicated the vulnerable spot over his heart where his son should stab him. The boy plunged the knife deep, but the stroke failed to take effect. The old father suggested with dignity and resignation, "Try it a little higher, my son." The second stab was effective, and the patriarch passed into the realm of the ancestral shades.

QUESTIONS TO INITIATE DISCUSSION:

1. Why did the boy and the elder act as they did?
(Vehicle: Compare and contrast definitions of "customs" and "laws" of a given society. Examine aspects such as: purpose of the law or customs; expected behavior, degree of punishment; formal and informal "jury of peers"; consequences to individual and to society.)
2. Compare and contrast this case with the Karen Ann Quinlin case in the U.S.A. Check the actual constitutional issues which were argued in her case and which had to be balanced out by the courts. Which factors weighed more heavily (legally) and hence made the courts decide the way they did?

CLASS DEBATE:

RESOLVED: That euthanasia is a "victimless crime" and furthermore, a private decision with good intent, and therefore, should not be a crime.
(i.e., homicide)

CASE LAW

Decisions established by judges create case law both criminal and civil. The published cases create precedents lawyers and judges use as guidelines. Case law decisions are available at the Seminole County Law Library located in the Seminole County Court House, Park Avenue, Sanford, Florida 32771. Case law study stimulates students when they actually investigate trials which established legal precedents.

L.A.P. Activity - "Sierra Club vs Morton (1972)"

Sierra Club v. Morton (1972)

The Mineral King Valley is an area of great natural beauty nestled in the Sierra Nevada Mountains adjacent to Sequoia National Park and not far from Bakersfield, California. It is part of the Sequoia National Forest and has been a protected place for birds and animals since it was established as a National Game Refuge in 1926. After the "gold rush" the Mineral King area contained many active mines, but now Mineral King is a wilderness used almost exclusively for recreational purposes.

Because there is only one narrow, winding road leading into the Mineral King Valley, far fewer people visit it than pass through the nearby Sequoia National Park. Those who do travel to the area go to enjoy the simpler and more rustic forms of recreation - - hiking, camping in tents, and skiing without lifts - - available in this "out-back country".

In 1965, the Forest Service invited developers to submit proposals to improve the valley for resort use. They chose a proposal sent in by Walt Disney Enterprises, Inc., the developers of Disneyland, and gave them three years to explore the valley and prepare a complete master plan for the resort.

The Sierra Club is a conservation group that has a membership of approximately 78,000 nationally, with at least 27,000 members living within ten hours driving time to Mineral King. One of the primary purposes of the Sierra Club is to protect and conserve the national resources of the Sierra Nevada Mountains. When they heard the Forest Service was considering giving private companies permission to develop Mineral King, they asked for public hearings to be held so they could present their objections to the development of the valley, but they were refused. When they heard of Disney's plans they wrote to officials of the Forest Service and the Department of the Interior, objecting to the plans. Representatives of the club believed that national forests are fragile and deteriorate rapidly with excessive recreational use because of the trampling effect which eliminates vegetative growth, creating erosion and water runoff problems. When the Sierra Club representatives and members wrote to the government, they expressed their concern over the possible devastation of the

natural beauty of Mineral King.

In January, 1969, in spite of the objections of the Sierra Club and other conservation clubs, the Forest Service approved the final Disney master plan for the development of Mineral King Valley. The final plan included \$35 million to build motels, restaurants, swimming pools, parking lots, and other buildings (including a nine-level parking structure) to accommodate 14,000 visitors daily. These buildings, streets, and parking lots would take up 80 acres of the valley floor. Other facilities, including ski lifts, ski trails, a cog-assisted railway, and utility installations, would be built in the mountain slopes and in other parts of the valley. So that people could drive to the valley by car, the State of California agreed to build a highway 20 miles long that would cut across Sequoia National Park. A high voltage power line would follow the road and provide electricity for the resort.

1. What individuals or groups should be concerned about what happens at Mineral King?
2. What individuals or groups should have a right to be heard by persons deciding what will happen to Mineral King?
3. There is a law that states that anyone who is really hurt by an action of a federal agency, such as the Forest Service, may sue the government. Has the Sierra Club been hurt by the Forest Service? Have the members of the club been hurt? Have the members who have never visited Mineral King been hurt?

ORDINANCES

Laws enacted by smaller government units than the state create ordinances. Local city government offices will provide copies of ordinances for classroom use.

L.A.P. Activity - "Prowling By Auto": Papachristou vs Jacksonville

"PROWLING BY AUTO": PAPACHRISTOU vs JACKSONVILLE

405 U.S. 156 (1972)

TOPICS: Criminal Law; What is a Crime?; Due Process

This case involves eight defendants convicted in a Florida municipal court for violating a Jacksonville vagrancy ordinance. They were arrested by a police officer for "prowling by auto".

The case was eventually appealed through the courts and it finally reached the United States Supreme Court.

Jacksonville Ordinance Code Sections 26-57:

"Rogues and vagabonds, or dissolute persons who go about begging, common gamblers, persons who use juggling or unlawful games or play, common drunkards, common night walkers, thieves, pilferers or pick-pockets, traders in stolen property, lewd, wanton, and lascivious persons, keepers of gambling places, common railers and brawlers, persons wandering or strolling around from place to place without any lawful purpose or object, habitual loafers, disorderly persons, persons neglecting all lawful business and habitually spending their time by frequently going to houses of ill fame, gaming houses, or places where alcoholic beverages are sold or served, persons able to work but habitually living upon the earnings of their wives or minor children shall be deemed vagrants and upon conviction in the municipal court shall be punished as provided for Class D offenses."

QUESTIONS:

1. When this case reached the United States Supreme Court, what legal issues had to be balanced and weighed by the Justices? Prepare both sides of the Justice argument in outline format.

Due Process provides numerous safeguards for fair treatment in our adversary system of criminal justice. "First, is the requirement that the law must give the citizen adequate notice of what is a crime so that the citizen can obey the law" (Due Process of Law ;.35, by J. Bora, 1977). "Second, due process generally limits the authority of the police to detain the citizen,

unless the officer has good reason to think the person has committed a crime."

(If at
all)

2. In what specific ways would this law give more authority and power to police? _____
3. In what specific ways would this law detract from the authority? _____
4. What aspect of "DUE PROCESS" has allegedly been violated? _____

ADMINISTRATIVE REGULATIONS

Rules and regulations created by agencies that have been established by state and local governments are known as administrative regulations. Local city government agencies or state agencies are a source for information in this area.

L.A.P. Activity - "School Law (Teacher Certification)"

Instructions: The instructor will have the individual students write regulations concerning teacher certification. Upon completion of this assignment the teacher will present Florida Statute 231.14 Certification Required to the class. The students will then use their statute and Florida Statute 231.14 to answer the following questions:

1. Compare and contract your statute with Florida State 231.14.
2. Why are requirements needed for teacher certification?
3. What problems would occur to enforce your statute?

231.14 Certificate Required

No person shall be employed to serve in an instructional capacity as a regular or part-time teacher in the public schools of the state who does not hold a valid certificate to teach in Florida, granted or recognized pursuant to law under regulations of the state board; nor shall any school board employ, contract with, or pay any person a salary for instructional services who does not hold such a valid certificate, except for employment pursuant to s.231.15 and under emergency conditions as provided in s.236.0711. Previous residence in Florida shall not be required as a prerequisite for any person holding a valid Florida certificate to serve in an instructional capacity in schools of the state.

FLORIDA DEPARTMENT OF EDUCATION
TEACHER CERTIFICATION SECTION
TALLAHASSEE, FLORIDA 32304
 an equal opportunity employer



**APPLICATION FOR
 TEACHER'S CERTIFICATE**

Please fill in Florida Department of Education number (same as certificate number).

NOTE: This is the proper form to be submitted for full-time, substitute, and part-time teaching certificates and certification covering administrative, supervisory, and service areas in the public school system.

Neither fee, transcripts, nor verification of occupational experience may be returned to the applicant nor will copies be provided.

PLEASE READ INSTRUCTIONS CAREFULLY: The applicant must assume full responsibility for filing a completed application. A completed application includes the following items:

1. Official transcript(s) from all colleges attended bearing the seal of the institution, the registrar's signature and descriptive course titles. If possible, the transcripts should be attached to the application; otherwise, please attach a note indicating the transcripts have been or are being sent separately.
2. Appropriate fee: \$12.00 for full-time teaching; \$10.00 for substitute or part-time teaching. The fee should be in the form of a money order or personal check made payable to the Department of Education. Do not send cash.
3. For vocational and adult certification: submit letters verifying occupational experience from employers on business stationery listing specific dates and job title. CG-10 vocational attachment must be submitted with this application.
4. Non-citizens must file the appropriate immigration form.

BOXES FOR OFFICIAL USE ONLY

DISTRICT NO.

F _____

TR _____

R _____

RS _____

Trans _____ C.R. _____

Age _____ Sig _____

Cit _____ N 315 _____

Sec V _____ Doc _____

Not _____

1. ☐ PHP ☐

☐ MTD ☐

☐ EVO ☐

TYPE REQ.

1. ☐ RG ☐

2. ☐ VO ☐

* PLEASE TYPE OR PRINT * Carefully complete all appropriate sections

I - PERSONAL DATA

Social Security Number _____

Birth Date _____ mo day yr

Place of Birth (City and State)

United States Citizen? ☐ Yes ☐ No

Natural Born ☐ Naturalized ☐

If not, of what country?

Ms. ☐ Miss ☐

Mrs. ☐ Mr. ☐

Last

First

Middle

Maiden or Suffix

Present Mailing Address

Street or Route No.

City

State

Zip

DO NOT FILL IN THIS SPACE

Permanent Address

Street or Route No.

City

State

Zip

II - ACADEMIC RECORD

	City	Location	State	Yrs. Attended		Date of Grad.	Kind of Degree	Sem. Hrs. Credit	Major
				From	To				
High School									
Colleges: 1									
2									
3									
4									

(If additional space is needed, please attach separate sheet of paper.)

(Please list the exact name under which you were registered at the above institutions.)

III - CERTIFICATE REQUEST

1. Beginning date of validity for which the certificate is desired: July 1, 19 ____ . (Your certificate will be valid as of July 1 of the school year for which it is issued and will be the highest type and show the longest validity period for which you are eligible.)
2. ☐ PLEASE ISSUE ☐ PLEASE DO NOT ISSUE MY CERTIFICATE AT THIS TIME. If you check "Please do not issue", you will receive a statement of eligibility, and your application will be held on file for a maximum of ONE YEAR FROM THE DATE IT WAS RECEIVED IN THE CERTIFICATION OFFICE, pending your request that your certificate be issued.
3. Give the following information about any Florida teacher's certificate you hold or have held:
 Certificate Number: _____ Certificate Type: _____ Date Issued: _____
4. List elementary and/or secondary subject(s) or field(s) in which you wish to be certified in order of preference:

5. List vocational, adult, technical or junior college area in which you wish to be certified:

DO NOT FILL IN THIS BOX

BEST COPY AVAILABLE

IV - FULL-TIME TEACHING EXPERIENCE RECORD (If additional space is needed, please attach separate sheet.)

School Year	State	District (County)	School	Grades taught, or if departmentalized, subjects taught	No. months taught in school term	Type Certificate held
19__ to 19__						
19__ to 19__						
19__ to 19__						
19__ to 19__						

V - PLEASE CHECK ONE

Have you ever been convicted or had adjudication withheld in a criminal offense other than a minor traffic violation or are there any criminal charges now pending against you other than minor traffic violations? Yes ___ No ___ If yes, give details below.

Where Arrested	Date(s)	Nature of Charge(s)	Disposition(s)

VI - NOTARIZATION Section 231.17, Florida Statutes

I hereby certify that I subscribe to and will uphold the principles incorporated in the Constitutions of the United States and of the State of Florida. I understand that Florida Statutes provide for revocation of a teacher's certificate if evidence and proof is established that the certificate has been obtained by fraudulent means. (Section 231.28F.S.) I further certify that all information pertaining to this application is true and correct.

Signature of Applicant

Sworn to and subscribed before me this _____ day of _____, 19__

My Commission Expires_____
Seal and Signature of Notary Public**VII - CHARACTER REFERENCE** - Section 231.17, Florida Statutes

This is to certify that I have known _____ for _____ years. From this acquaintance and association I certify that (he) (she) is of good moral character. I therefore recommend (him) (her) for a certificate to teach in the schools of Florida.

Signature of Person Making Recommendation (May Not Be a Relative)_____
Address_____
Position_____
Date**VIII - REQUEST FOR SPECIAL CERTIFICATION**

Section A. or B. below must be completed by the District Superintendent or Community College President, depending upon the board responsible for the administration of the school in which the applicant will serve, if the application is for:

1. A substitute teaching certificate (grades K-12).
2. A first temporary certificate for full-time teaching based on less than a four-year degree. (If this certificate will cover elementary and/or secondary levels, it must be requested by the district superintendent.)
3. A part-time certificate for adult education, vocational education or junior college or a full-time certificate for adult education or vocational education.

A. I request that a certificate, as indicated below, be issued to _____

to teach in _____ for the 19__ - 19__ school year. This teacher has approximately _____ semester hours of college credit.

Number
Check Appropriate
Box:

☐ Substitute (grades K-12)
☐ Full-time temporary (grades K-12)

Part-time Full-time

☐ ☐ Adult Education☐ ☐ Vocational (industrial, technical, distributive, health occupations)

B. I request that a Junior College Certificate, as indicated below, be issued to: _____ for the 19__ - 19__ school year.

☐ Second Provisional Certificate☐ Noncitizen (Check one or more of the statements below if applicable.)☐ Part-time☐ This applicant is being assigned to teach on an exchange basis. Waiver of the U.S. citizenship requirement is requested.

*(Section 231.17(3), Florida Statutes does not permit certification of citizens of nations controlled by forces antagonistic to democratic forms of government unless the applicant is classified as a refugee.

Signed _____

FLORIDA DISTRICT SUPERINTENDENT OR
COMMUNITY COLLEGE PRESIDENT_____
DISTRICT OR COMMUNITY COLLEGE_____
DATE**NOTE** Mail completed application with official transcript(s) and fee to address on front of application.

CONSTITUTIONAL LAW

The following exercises are designed to compliment the study of Constitutional Law. The L.A.P. includes the Bill of Rights, Freedom of Religion, Freedom of Speech, Fair Trial vs Free Press, Search and Seizure, and Freedom of Press vs Privacy and the Media.

BILL OF RIGHTS

The first ten amendments to the United States Constitution were ratified on December 15, 1791. The Bill of Rights protects you against persecution and against infringement of personal liberties.

L.A.P. Activity - "Bill of Rights"

Instructions: The instructor will use the Bill of Rights handout to discuss the rights guaranteed to all persons.

ARTICLE I - Freedom of Religion, Speech, Press, Petition

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

ARTICLE II - Right to Bear Arms

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III - Right to Privacy

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

ARTICLE IV - Home the Sanctuary

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V - Legal Safeguards

No person shall be held to answer for a capital or other infamous crime unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI - Fair Trials

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII - Common Law Rights

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

ARTICLE VIII - Penalties Limited

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX - Peoples' Rights

The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X - States' Rights

The powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

FREEDOM OF RELIGION

Amendment I of the Bill of Rights protects Freedom of Religion as long as it does not interfere with the health, safety, and welfare of society.

L.A.P. Activity - "Wisconsin vs Yoder (1972)" "People vs Woody (1964)"

Instructions: Included are two case studies which demonstrate the varied situations which are appealed to the United States Supreme Court.

The film, "The Schempf Case: Bible reading in Public Schools" (MP 2228) 35 minutes, is available through the Seminole County Audio Visual Center. This is an additional area to consider in the study of Freedom of Religion.

Wisconsin vs Yoder (1972)

Wisconsin state law requires all persons having control of a child between the ages of seven and sixteen to make the child attend school regularly.

The Amish are a religious group who have kept a separate and distinct identity from the mass of American society for about 250 years. As a part of their religion, the Amish retain their 18th century way of dressing and do not own automobiles, radios, telephones, etc.; they speak the German dialect of their ancestors and keep separate from society by forming self-contained communities with their own rules for behavior, education, social welfare, etc.

They obey that part of the Bible which says, "Be not conformed to this world ..."; their social values are quite different from those of the larger society. Seeking wealth beyond what is necessary for the family and community is sinful. They discourage competition and the seeking of personal status. They allow for the need to know how to "read, write, and cipher", but the pursuit of higher worldly knowledge is seen as encouraging personal pride. Higher knowledge may also lead to disaffection with Amish society and alienation from God.

The Amish are in many respects model citizens. They pay their taxes and debts, take care of their own medical and health problems, and are seldom involved in any kinds of unlawful behavior.

In earlier times, when the law required education for all until the eighth grade, the Amish sent their children to small country schools,

usually filled with Amish children, taught by an Amish teacher, and run by a board of Amish citizens. In recent years, the schools have been consolidated, and the Amish children have had to attend the larger schools in town, where they mingle with non-Amish children and are taught by non-Amish teachers.

The Amish have attempted to set up their own parochial schools; however, to comply with state laws these schools must maintain a general standard curriculum, use certificated teachers, and meet other requirements which are objected to by the Amish.

Recently the Amish have been concerned about the increasing numbers of young people who are leaving the Amish communities. During childhood and early adolescence, the youth are trained to become participating adults in the Amish community. But for a few years, up to the age of 19 (when they are baptized and accepted as full members), they are expected to consider carefully whether they will turn their backs upon the worldly society and accept the burdens of Amish life. This decision may, in part, be made in some degree of ignorance if the youth has not attended high school where he may learn of other ways of life from that of the Amish. In addition, those young people who have chosen to leave the Amish community often enter regular society with the disadvantage of not having gone to high school.

Also, many school districts which have large members of Amish, lost considerable amounts of money because of the lack of attendance by the Amish youth. State aid to schools is based upon the number of students who attend the school regularly.

As a result, there is often a strong feeling in counties where there are large numbers of Amish that the Amish youth should be forced to attend school.

In the fall of 1968, several Amish fathers, including Yoder, were arrested and charged with disobeying the Wisconsin law which requires parents to send their children under the age of 16 to school

1. What is the interest of the state in requiring all children to attend school and to be exposed to a standard curricula?
2. What reasons do the Amish have for wanting to have their children attend their own school?
3. Is the state's requirements that Amish children attend schools with a required curricula an unfair limitation of the Amish's freedom of religion?
4. Who, is anyone, is harmed by the Amish practice of refusing to allow their children to attend high school? Non-Amish Society? The Amish parents? The Amish children?

5. Which of the following practices should be tolerated under the Constitutional guarantee of freedom of religion?
- a. The old Mormon practice of having several wives?
 - b. The use of narcotics in religious ceremonies?
 - c. Ceremonial use of poisonous snakes?
 - d. Human sacrifice?

#####

People vs Woody (1964)

Peyote appears as small "buttons" on the top of a small cactus plant found in the Rio Grande Valley of Texas and northern Mexico. When eaten, peyote produces several types of hallucinations (imaginary sights or sounds) depending on the user. Most people report strange visions with bright colors, geometric patterns, or scenes involving humans or animals. A few people report having the kind of hallucinations from eating peyote that mentally ill people suffer from their sickness. For most users peyote also fosters a feeling of friendliness toward other persons.

Peyotism, the taking of peyote as part of a religious ritual, was observed among Indians by Spanish explorers in Mexico as early as 1560. Peyotism spread from Mexico to the United States and Canada and was an established practice among American and Canadian Indian tribes before 1890.

The "meeting", a ceremony that is based upon the sacramental use of peyote, is one of the most important events in the Native American Church (a modern, formal church that practices peyotism). The meeting starts on Saturday night and lasts until sunrise on Sunday. It is a solemn and special occasion, and everyone wears their finest clothes - usually suits for the men and fancy dresses for the women. At the meeting the members pray, sing, and make ritual use of drum, fan, eagle bone, whistle, rattle, and prayer cigarette, the symbols of their faith. The most important event, of course, consists of the use of peyote in quantities sufficient to produce an hallucinatory state. Though whole families attend together, young children never, and Indian teenagers rarely, are allowed to use peyote.

Although peyote serves as a sacramental symbol in the Native American Church, similar to bread and wine in certain Christian churches, it is more than just a sacrament. The peyote is an object of worship itself; prayers are devoted to it in the same way that Christians pray to the Holy Ghost. Members of Native American Church regard peyote also as a "teacher" because it causes them to feel as though they were brothers with all the other members, and "teaches" them to experience God.

On April 28, 1962, a group of Navajos, members of the Native American Church, held a "meeting" in an Indian hogan in the desert near Needles, California, to perform the ceremony that included the use of peyote. Police officers, who had observed part of the ceremony, arrested Jack Woody for violating a section of the California Health and Safety Code which prohibits the unauthorized possession of peyote.

FREEDOM OF SPEECH

Amendment I of the Bill of Rights protects freedom of speech. The "Clear-and-present-danger" doctrine is to be considered in case decisions as well as the time, place, and manner of the speech.

L.A.P. Activity - "Feiner vs New York" "Terminiello vs Chicago"

Instructions: The instructor will use the included case studies of "Feiner vs New York" and "Terminiello vs Chicago" after the concepts of freedom of speech have been introduced to the classroom.

The film, "Freedom to Speak: People of New York vs Irving Feiner", (MP 2230) 23 minutes available through the Seminole County Audio Visual Center provides an excellent supplement to the Feiner case.

FEINER vs NEW YORK

The Man Who Called The President a Bum

The place was a street corner in Syracuse, New York. The date was March 8, 1949. The time was about 6 o'clock in the evening.

Irving Feiner, a university student, stood on a large wooden box speaking to a group of people. He urged them to attend a meeting that night at the Syracuse Hotel. But Mr. Feiner also was giving his views on a number of other topics. He called the President of the United States a "bum" and the Mayor of Syracuse a "champagne-sipping bum". The listening crowd included negroes and whites. Mr. Feiner made some remarks that the police later thought were stirring up one race against the other.

At 6:30 police received a complaint about the meeting and two officers were sent to investigate. They saw a crowd of 75 or 80 people blocking the sidewalk and standing in the street. Mr. Feiner was addressing them in a "loud and high-pitched voice" through a loud-speaker.

The officers first tried to move the crowd onto the sidewalk, then mingled with the listeners. People were milling about restlessly. One man told the officers that if they did not take Mr. Feiner off the box, he would.

Finally, an officer asked Mr. Feiner to step down. He refused. Then

Mr. Feiner was "told" and at last "commanded" to get down because he was under arrest. He announced over the microphone that "the law has arrived and I suppose they will take over now."

The speaker was first charged with "unlawful assembly." This was changed to "disorderly conduct." Found guilty on the second charge, he was sentenced to 30 days in the county penitentiary.

The conviction was supported by two other New York courts. Mr. Feiner at last made an appeal to the Supreme Court of the United States.

He claimed that his constitutional right of free speech had been violated. The First Amendment says "Congress shall make no law... abridging the freedom of speech." The 14th Amendment says, in part, "...nor shall any state deprive any person of life, liberty or property without due process of law."

Mr. Feiner appealed under the 14th Amendment, which is considered to include and apply the First Amendment specifically to state governments.

If you were on the Supreme Court, what would you have decided in his case? Were the police really depriving Mr. Feiner of his right of free speech? Or were they justified in their action to restore order?

TERMINIELLO vs CHICAGO (1949)

Tension filled the air. The Chicago auditorium was jammed to capacity. Over 800 people were inside. Others had been turned away. The rally, sponsored by the Christian Veterans of American, had attracted a great deal of publicity and controversy. One of the scheduled speakers was Father Terminiello, of Birmingham, Alabama - a priest who had been suspended by his bishop. He was advertised as a "fearless lover of Christ and America."

By the time Father Terminiello's car arrived at the auditorium, an angry crowd of about 400 protesters had gathered outside. They shouted and cursed him, completely blocking the entrance. "Fascist!" They screamed, "Nazi!" The police formed a human wedge to escort him into the auditorium.

The howling outside continued. Several times the mob tried to break through the doors. They hurled stones and bricks at the police guarding the entrances. Almost 30 windows were broken. The size of the crowd outside grew to 1500 people.

After several other speakers had finished, Terminiello began his long speech. "I want to talk to you about the attempt that is going on

right outside this hall tonight, the attempt...to destroy America by revolution," he began. He went on to describe "57 different kinds of Communists" in America - including "Communist Jews."

The audience cheered and applauded. "Jews, niggers, and Catholics have to be gotten rid of," shouted one listener. The police were no longer able to control the mob outside. Seventeen persons were arrested. So was Terminiello. He was charged with breaking a Chicago law against actions that cause of breach of the peace. At the lower court trial, the judge said that breaking the peace included making any speech that angered the public, caused unrest, or created a disturbance. Terminiello maintained that the Chicago law violated his freedom of speech.

QUESTIONS:

1. When did the disturbance outside the auditorium begin? To what extent was Terminiello to blame for the riot?
2. Did the Chicago breach-of-the-peace law unfairly limit a person's freedom of speech? Why or why not?
3. Should Terminiello have been allowed to make his speech if there had not been an unruly mob outside when he arrived? Why or why not?
4. Should there be limits placed on freedom of speech when there is evidence that violence may result? Explain.
5. Does the quote below* help you solve this case? Explain. Do you think it is from a majority or a dissenting opinion?

*It is only through free debate and free exchange of ideas that government remains responsive to the will of the people and peaceful change is effected.

-Justice Douglas,
Terminiello v. Chicago (1949)

6. How would you have ruled in this case? Why? Compare your solution with that of the United States Supreme Court given on page A3 of the Decisions Supplement.

FAIR TRIAL vs FREE PRESS

Amendment I of the United States Constitution guarantees a free press. Amendment VI of the United States Constitution guarantees a fair trial. There is often conflict between the rights of the press and the rights of the accused.

L.A.P. Activity - "The Sheppard Case"

Instructions: The instructor will introduce the concepts of a free press and a fair trial. After content background has been established, the film, "Free Press vs Fair Trial by Jury: The Sheppard Case" (MP 2229) 27 minutes should be shown. This film provides insight into the case and the constitutional issues which are in conflict. The instructor should provide follow-up discussion on the film.

SEARCH AND SEIZURE

Amendment IV of the United States Constitution guarantees persons to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures.

L.A.P. Activity I - "Search and Seizure"

Instructions: The instructor will discuss the legal principles of search and seizure with the class. Two sample United States Supreme Court decisions included below will be examined by the class and discussed in relation to content material presented in class. Both of these decisions were printed in "The Search and Seizure Bulletin" published by Quinlan Publishing Co., Inc., 131 Beverly Street, Boston, Mass. 02114. This is an excellent source for current United States Supreme Court decisions concerning search and seizure.

SEARCH

Inventory Search

Mooney v. State, 254 S.E. 2d 337

Mooney went to Newman's apartment and asked the latter if he could move in. Newman declined; they placed Mooney's luggage in Newman's car; went to a bar to talk the matter over.

Police officers arrested Mooney for murder as the pair was standing next to Newman's car. Mooney was taken to headquarters.

Newman was informed about the penalties for aiding and abetting fugitives. He stated that he did not want to get involved and turned Mooney's luggage over to the police. He was given a receipt for the luggage - a pair of boots, a shopping bag, and a suitcase.

Mooney challenged the warrantless search of the car and seizure of his luggage.

DECISION: He lacked standing to challenge the search.
Schneckloth v. Bustamonte, 412 U.S. 218.

Taking the luggage into protective custody was reasonable.
U.S. v. Gravitt, 484 F.2d 375; Lowe v. Hooper, 400 F.
Supp.970.

Mooney abandoned the luggage by failing to make provision for it.

Mooney's luggage was inventoried at jail. The officer unfolded papers found inside the shopping bag and read their contents. Information pertinent to the murder was printed in large black letters. These papers were used in evidence.

Mooney challenged the scope of the inventory search; i.e., reading the papers.

DECISION: Inventories as standard police procedure are reasonable. S.D. v. Oppenman, 428 U.S. 369; U.S. v. Gravitt, 484 F. 2d 378-9.

Reading papers in an inventory search is not of itself improper. U.S. v. Grill, 484 F.2d 900.

The discovery of the evidence was inadvertant. Under the plain view doctrine, the efidence was admissible.

Absent any evidence that the search was investigative instead of a routine inventory search, the contents of the papers are admissible. Coolidge v. N.H., 403 U.S.433; U.S. v. Diav, 577 F.2d 821; U.S. v. Edwards, 415 U.S. 800.

SEIZURE

Seizure of Items Not Mentioned in Warrant State v. Driscoll, 400 Atlantic 2d 971

On April 14, 1976, the Barre police received a complaint from a local car dealer that an AMC Pacer was missing from his parking lot. A few days later, the police received information that a large green milling machine had been stolen. The police observed and photographed tire tracks at the scene.

On April 19, the police officer investigated a pickup stopped on a street in Barre because a large green milling machine had slid forward and broken the glass. The defendant, Driscoll, who was the owner-driver of the pickup, gave the office a fictitious address and said that he had purchased the machine from a man in Barre.

The police went to the Driscoll residence and observed tire tracks similar to those seen at the machine shop. When Mrs. Driscoll refused to consent to a general search of the premises, the police went to obtain a warrant.

The police returned to the Driscolls' and executed the search warrant. When they discovered a door to an AMC Pacer, one of the officers went to obtain the stolen Pacer's identification numbers. Other items, which were also recovered from the dismantled Pacer, were verified as belonging to the stolen vehicle. The police seized these items and also dismantled parts from the body of a pickup truck. The officers, who did not know whether the truck was stolen, knew that it was similar to a truck reported stolen earlier that year.

Driscoll was convicted of receiving stolen goods and he appealed on the ground, among others, that none of the items seized were listed in the search warrant

DECISION: The police do not need to actually know that the objects seized are incriminating, but need only have reasonable cause. Here, the police were justified in seizing the car parts and truck body, since they matched the description of recently stolen goods. Therefore, the items do not need to be listed in the search warrant.

Affirmed.

United States v. Truitt, 521 F.2d 1174.

L.A.P. Activity II - "Sanford Police Department Consent Form"

Instructions: The following form is an example of a written consent form to search a premise which may be used for classroom instruction.

WRITTEN CONSENT OF PREMISES
SANFORD POLICE DEPARTMENT

"I, _____, have been informed of my constitutional rights to refuse to a police search of any part of the residence at _____
(address) (city) (state)

However, I have decided to allow _____ and _____, members of the Sanford Police Department, Sanford, Florida, to search every part of this residence. They have my permission to take any letters, papers, materials, weapons, narcotics, fruits of crime, instrumentalities of crime, and mere evidence of crime. I have decided to make this consent carefully, of my own free will, and without being subject to threats or promises. I know that anything discovered may be used against me in a criminal proceeding."

(Date)

(Witness)

(Signature)

FREEDOM OF PRESS vs PRIVACY AND THE MEDIA

Amendment I of the United States Constitution guarantees a free press. A conflict arises between the rights of the press and those of newsworthy persons. The United States Constitution does not specifically mention the right to privacy. However, recent federal decisions have ruled that it is implied.

L.A.P. Activity I - "Tabloids"

Instructions: The instructor will provide the students with articles from such magazines as "The Star", "The National Inquirer", and "The Globe". These articles should be discussed in terms of the newsworthy persons' rights and those of the magazine.

L.A.P. Activity II - "Jackie Onassis"

Instructions: The instructor will explain the following facts of the Jackie Onassis vs Ron Galella case. A classroom discussion should follow on the rights of the newsworthy versus the press.

The most famous decision in a privacy case involved former first lady Jacqueline Kennedy Onassis and a persistent photographer named Ron Galella. To take photographs of Mrs. Onassis, Galella would wait outside her apartment, wear disguises, date her maid, follow her around town, even crash her children's tennis lessons. When Secret Service agents prevented him from taking his pictures, he sued Mrs. Onassis for \$1.3 million, claiming she interfered with his right to earn a living as a photo-journalist. Can anyone deny that Mrs. Onassis is "newsworthy"?

Mrs. Onassis counter-sued, asking that Galella be ordered to leave her alone. The decision was a landmark in privacy law: Galella could not come nearer than 50 yards of Mrs. Onassis, 75 yards of her children, 100 yards of their home and school, and was not permitted to communicate with the family in any way.

L.A.P. Activity III - "Public Duty?"

Instructions: The instructor will lead the class to discuss the following questions:

1. Does the drinking problem of a Florida Senator's wife have any relation to his job as a legislator?
2. Does the public need to know who their officials are dating?
3. Are public officials on duty 24 hours a day as far as the press is concerned?
4. Should the personal finances of city or state officials be published?

CRIMINAL LAW

Crimes are acts committed in violation of public law. Government, through its legislative bodies, enacts legislation which establishes criminal law. The following L.A.P. include Classification of Crimes, and Defenses to Crimes.

Classification of Crimes

Basic to the understanding of criminal law is understanding how laws are placed into categories.

L.A.P. Activity - "Classification of Crimes"

Instructions: The instructor will present the following charge of crimes to the students and explain the classifications.

Criminal Categories

Capital Felony (Death)

- Pre-meditated murder
- Rape of children 11 years or younger

Life Felony (Life imprisonment/state penitentiary)

- Rape of children over 12 years old
- Robbery with a deadly weapon

First Degree Felony (30 years in penitentiary and/or \$10,000)

- Strong armed robbery (deadly weapon)
- Armed burglary or burglary with assault
- Possession or sale of more than 10 grams of heroin, morphine, opium, or cocaine.
- Delivery of any amount of above drugs to person under 18

Second Degree Felony (15 years in penitentiary and/or \$10,000)

- Aggravated battery
- Burglary (unarmed or without assault)
- All other robberies
- Possession or sale of less than 10 grams of heroin, morphine, opium, or cocaine
- Possession or sale of more than 100 pounds of marijuana
- Bringing heroin, cocaine, opium, or morphine into the state

Third Degree Felony (5 years in penitentiary and/or \$5,000)

- Sale of marijuana (more than 20 grams)
- All other burglaries

- Grand larceny (over \$100)
- Worthless checks over \$50
- Bringing LSD, mescaline, peyote, THC, Psilocybin, amphetamine or PCP into the state

First Degree Misdemeanor (1 year in county jail and/or \$1000)

- Possession of drug paraphernalia
- Possession of less than 20 grams of marijuana
- Joyriding

Second Degree Misdemeanor (60 days in county jail and/or \$500)

- Petty larceny (shoplifting)
- Worthless checks less than \$50

Defenses to Crimes

Upon completion of the Classification of Crimes, the next step in instructional activities could include an explanation of the common defenses to crimes.

L.A.P. Activity - "I Did It and Why"

Instructions: The instructor will provide the students with background information on defenses to crimes. Each student will then commit four crimes and present their written defense to each criminal act.

Common Defenses to Crimes

- I Alibi:
Basis of defense is that the defendant was at a different place than where the crime occurred.
- II Coercion:
Basis of defense is that the defendant was under threat of death or severe bodily harm from another person if he does not commit the crime.
- III Entrapment:
Basis of defense is that the defendant was lured by a police officer into committing a crime he had no intention of committing.
- IV Immunity:
Basis of defense is the defendant makes a "deal" with the state not to prosecute in return for the defendant's testimony.

V Insanity:

Basis of defense is a person cannot be punished for an act committed while insane. He did not know what he was doing and did not know it was wrong.

VI Intoxication:

Basis of defense is when a person is so drunk or high that he cannot form the intent to commit a crime.

VII Self-Defense:

Basis of defense is that a person may use a reasonable amount of force to protect himself, family, guests, or property from bodily harm or damage by others.

CRIMINAL PROCESS

The United States criminal process has evolved to protect the rights of the accused and the rights of society. This section includes Police Procedure Forms, Office of the State Attorney Forms, and a simulation game "Pay Your Dues".

Police Procedure Forms

Those criminal prosecutions which are initiated on the street level by a police officer require a significant amount of paper work. Students should acquire an appreciation for the amount of work required for a police officer to substantiate his findings with the State's Attorney's Office.

L.A.P. Activity - "Forming the Facts"

Instructions: The instructor will utilize the included FDCLE forms to instruct the students on the procedures needed to properly complete forms. It is suggested that each individual student be provided the opportunity to fill out sample forms. The instructor may desire to invite a law enforcement officer to assist in this activity.

COURT OF COURT

PERSONS ARREST FORM

CASE NUMBER

ARREST ☐REQUEST FOR CAPIAS ☐Type of Arrest Capias ☐ Warrant ☐
☐ Without Process ☐ DYS InformationHAIR CODES
BLK BLACK RED RED
BRO BROWN WHI WHITE
BLN BLOND GRY GRAYBAL - BALD
SDY - SANDYEYE CODE
• GRY - GRAY BLU BLUE
• HAZ - HAZEL BRO BROWN
• BLK - BLACK GRN GREEN
MAR MAROONFCIC / NCIC CHECK
☐ YES ☐ NO ☐ QP

DATE / JAIL

TIME / JAIL

SEX/

RAC/

WGT/

HGT/

HAI/

DOB/

NAME Last, First Middle

AGE/

MAT/STAT

SOCIAL SECURITY NUMBER

AKA ALIAS Last, First Middle

Vehicle Tag Number

ADDRESS Number and Street

City and State

Home Phone

Place of Birth City and State

Drivers License Number

DL State

POB/

OLN/

OLS/

Occupation and Employer

Arresting Officer

Number

Relative Name

Relative Phone Number

ID DATA
F/PPH

Relationship

Relative Address - Number and Street

City and State

LOCATION M/V AND KEYS

RELIGION

HEALTH

INSURANCE ☐ YES ☐ NO

INS. CO.

MEDICATION

PHYSICIAN

SCARS, MARKS OR TATTOO

Years Education of Defendant ☐ 1-8 ☐ 9-12 ☐ coll

Arrest Date

Time

Arrest Location

Arrest Suf

Charge / Offense

A

Statute or Ordinance Number

Bond Amount

Bond Type

Charge / Offense

B

Statute or Ordinance Number

Bond Amount

☐ P - per
recog
☐ S - surety
☐ C - cash
☐ B - bail
bond
cert
☐ O - other

Charge / Offense

C

Statute or Ordinance Number

Bond Amount

FCIC Entry Date

ID NO

FCIC Removal Date

ID NO

Apprehending Agency (ORI)

Date of Warrant

Miranda Warning

EVENT SYNOPSIS

Attorney Contacted ☐ Yes ☐ No

Bond Date

Returned Date

Bonding Agent

CITATION #

Sworn to and subscribed before me,

his _____ Day of _____ A.D. 19____

OFFICER'S SIGNATURE

I.D.No.

Dept.

or
Badge #

Notary Public

Total Cash \$

List of Personal Properties

Telephone Calls

DATE

TIME

Phone Number

PERSON CALLED

1

2

3

4

5

6

I hereby state that the property listed above constitutes all claims of property on my person at the time of my arrest.

F/P'D Photographed By:

Printer

1

2

Witnesses

(at time of incarceration)

BEST COPY AVAILABLE

EVENT FORM

CASE NUMBER

INCIDENT TYPE

OFFENSE CODE

Report Date

warrant
issued ☐

Grid of Location Number

Location Where Incident Occurred (Address or Business Name and Address)

Incident Date Time TO Date Time

Type Premise Where Offense Occurred (Service Station, Residence, etc.)

Instrument Used (Weapon, Foot, Document, etc.)

Total Value Property Stolen/lost Total Value Property Recovered

Point of Entry

Point of Exit

EVENT SYNOPSIS

VICTIM ☐ WITNESS ☐

Person Code(s)

NAME - Last, First Middle

FBI/NCIC CHECK

RACE

SEX

DATE of BIRTH

At/E

ADDRESS - Number and Street

City and State

Home Phone

Business Phone

Occupation and Employer

Social Security Number

Location of Victim (if injured or deceased)

Aut. Req. Vic. Wit. Vic. Wit.

Victim/Witness can testify
to the following factsVICTIM ☐ WITNESS ☐

Person Code(s)

NAME - Last, First Middle

FBI/NCIC CHECK

RACE

SEX

DATE of BIRTH

At/E

ADDRESS - Number and Street

City and State

Home Phone

Business Phone

Occupation and Employer

Social Security Number

Location of Victim (if injured or deceased)

Aut. Req. Vic. Wit. Vic. Wit.

Victim/Witness can testify
to the following facts

AP attending physician
AR person arrested
CI corporation in state charter
CO corporation out of state charter
DC deceased
DP discovering person
DI driver of vehicle involved
EB name endorsed on back of document
ED evidence discovered by
EF name endorsed on front of document
EP evidence processed by
EW eyewitness
FP fingerprinter
ID identifying person
IO investigating officer
LH lienholder

OB owner of building
OC officer of corporation
PD person receiving document
PH photographer
PI passenger in vehicle involved
PL police officer
PN person to be notified
PO property owner
PR parent or guardian
PS person securing premise
RE reportee
RL relative

SL subject
TE crime scene tech.
UD undertaker
VI victim
WI witness
WF weapon found by
WP wanted person

CASE STAT

UNF ☐
C/A ☐

REPORT CONTAINS

☐ persons ☐ article
☐ vehicle ☐ other
☐ narrative ☐ lineup info
☐ detention summary

NARRATIVE ITEMS

☐ evidence list
☐ witness stmt.
☐ defendant stmt.
☐ non-ser. articles

INVESTIGATING OFFICER

NO

INVESTIGATING OFFICER SIGNATURE

APPROVING OFFICER SIGNATURE

CASE ASSIGNED TO

NO

LS last seen by
MD medical doctor
ME medical examiner

IN THE COUNTY COURT FOR SEMINOLE
COUNTY, STATE OF FLORIDA

THE STATE OF FLORIDA

INFORMATION # _____

VS.

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

DOUGLAS CHESHIRE, JR., State Attorney for the Eighteenth
Judicial Circuit, prosecuting for the State of Florida in Sem-
inole County, CHARGES that _____

in the said County and State, did

STATE OF FLORIDA
COUNTY OF SEMINOLE

Personally appeared before me _____
designated Assistant State Attorney for the Eighteenth Judicial
Circuit of Florida, who being first duly sworn, says that the alle-
gations set forth in the foregoing INFORMATION are based upon
facts that have been sworn to as true, and which, if true, would
constitute the offense therein charged, and that he institutes this
prosecution in good faith.

IN WITNESS WHEREOF, I have hereunto set my hand and seal
this _____ day of _____, 19____

DOUGLAS CHESHIRE, JR., State Attorney
Eighteenth Judicial Circuit of Florida

By _____
DESIGNATED ASSISTANT STATE ATTORNEY

IN THE COUNTY COURT OF SEMINOLE COUNTY, FLORIDA

Case No. _____

STATE OF FLORIDA

vs.

Defendant

It is the opinion of the State Attorney that the admissable evidence now available is insufficient to obtain and legally support a conviction of the above accused person and therefore the court is hereby notified that the State Attorney does not, at this time, intend to file an information on the accusations upon which the accused has been arrested, to-wit: _____

Assistant State Attorney

Based on the above charge decision, the Sheriff is hereby authorized and directed to release the above named defendant from custody as to the charges named. As to said charges and person all bail undertaking, not heretofore defaulted, is cancelled, all sureties on defaulted bail are exonerated, all release on recognizance obligations are discharged, all witnesses are released from obligation to appear.

DONE AND ORDERED in Seminole County, Florida, this _____ day of _____
197____.

Judge of the County Court

Copies hereof were delivered to the following persons this _____ day of _____
_____. 197____.

Sheriff

Clerk

IN THE COUNTY COURT, IN AND
FOR SEMINOLE COUNTY, FLORIDA

CRIMINAL CASE NO.

STATE OF FLORIDA,

Vs.

Defendant(s).

NOLLE PROSEQUI

THE STATE OF FLORIDA, through its State Attorney for
the Eighteenth Judicial Circuit in and for Seminole County,
Florida, hereby Nolle Prosequi the above numbered information(s).

I HEREBY CERTIFY that a copy hereof has been furnished
to the Sheriff of Seminole County, Florida, by hand/mail delivery
and a copy furnished to the above named defendant's attorney of
record at his address of record by hand/mail this _____ day of
_____ 197 .

ABBOTT M. HERRING
STATE ATTORNEY
EIGHTEENTH JUDICIAL CIRCUIT
SEMINOLE COUNTY, FLORIDA

By: _____
Assistant State Attorney

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
FLORIDA

CASE NO.

STATE OF FLORIDA,
Plaintiff

vs.

Defendant.

Answer to Demand for Discovery

PLAINTIFF, State of Florida, through the undersigned Assistant State Attorney, pursuant to Defendant's Demand for Discovery and pursuant to Rule 3.220 Florida Rules of Criminal Procedure, as adopted December 6, 1972, submits the following information:

1. The names and addresses of all persons known to the prosecutor to have information which may be relevant to the offense charged, and to any defense with respect thereto, are as follows:

This list of witnesses is not necessarily limited to those people herein expressly mentioned, but includes all witnesses mentioned in any material made available for defendant's discovery pursuant to FRCrP 3.220.

2. The undersigned Assistant State Attorney has initialed "Yes" below for each subparagraph listing items in the State's possession or control. The same are available for your inspection at the office of the undersigned upon timely and reasonable notice made to the undersigned. If you desire to copy and/or photograph same, copies will be provided upon your signed receipt for same. The name(s) of confidential informant(s) will not be supplied unless the State intends to use same as witness(es) at the trial or unless required by court order after notice and hearing.

Please give the undersigned 48 hours (excluding weekends and holidays) written notice of the time you will appear for inspection of the disclosures herein and set the time for same between 1:00 P. M. and 5:00 P. M. any regular business day.

- a. Statements given by persons listed in Paragraph above.
 _____ Yes None
- b. Written, recorded and/or oral statements of accused.
 _____ Yes None
- c. Written, recorded and/or oral statements of co-defendants.
 _____ Yes None
- d. Recorded Grand Jury Testimony of accused.
 _____ Yes None
- e. Material or information provided by confidential informant.
 _____ Yes None
- f. Tangible papers or objects obtained from or belonging to accused.
 _____ Yes None
- g. Tangible papers or objects not obtained from or belonging to accused which the State
 intends to use at hearing or trial.
 _____ Yes None
- h. Electronic surveillance of premises of accused or of conversations to which
 accused was a party.
 _____ Yes None
- Documents relating thereto
 _____ Yes None
- i. Search and seizure,
 _____ Yes None
- Documents relating thereto
 _____ Yes None
- j. Reports or statements of experts
 _____ Yes None

3. ALL tangible objects as provided by RCrP 3.220 (a) (1) (vi) and RCrP 3.220 (a) (i) (xi),
 unless "NONE" initialed below, may be inspected, photographed and tested during the regular and
 ordinary business hours at:

1.

_____ None

2.

This document will serve as authorization for _____ the
attorney for the defendant, or his designated representative to conduct the said discovery of tangi-
ble objects, in the above-styled cause, with reference to Police Departments' case numbers as
follows:

4. The State has herein submitted its witness list and expects the defense to submit
 its corresponding witness list within seven days as provided in RCrP 3.220 (a) (3). It is re-
 quested that defense disclosures of witness statements, reports of experts and tangible papers
 and objects be made at the time you appear for inspection of items detailed in Paragraph (2)
 above, but in no case later than 15 days from the time you inspect the State's evidence.

5. I DO HEREBY CERTIFY that copy (copies) hereof have been furnished to _____

By (delivery) (mail) this _____ day of _____, 197 ____

DOUGLAS CHESHIRE, JR.
 State Attorney

By: _____
 Assistant State Attorney

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY,
FLORIDA.

CRIMINAL CASE NO. _____

STATE OF FLORIDA

-VS-

DEMAND FOR NOTICE OF INTENTION TO CLAIM ALIBI

TO:

As particularly as is known to me, the place, date and time of the commission of the crime(s)
charged in the above information is as follows: _____

Under Rule 3.200, Florida Rules of Criminal Procedure, if you intend to offer evidence of an
alibi in your defense, you are hereby required to serve upon me, the undersigned _____
_____ State Attorney of and for the Eighteenth Judicial Circuit, County of Seminole,
State of Florida, not less than ten (10) days before trial or at such time as the Court may direct, a
notice in writing of your intention to claim such alibi, which said notice shall contain specific infor-
mation as to the place at which you claim to have been at the time of the alleged offense and, as par-
ticularly as is known to you or to your attorney, the names and addresses of the witnesses by whom you
propose to establish such alibi. You are under a continuing duty to disclose promptly to me the names
and addresses of any additional such witnesses which may come to your attention subsequent to the
filing of your witness list.

If you fail in any particular to comply with the provisions of said Rule 3.200, a motion will be
made to exclude any and all evidence, except your own testimony, offered by you for the purpose of
proving an alibi.

I certify that a copy hereof has been furnished to the above-named addressee, by (Mail) (Delivery),
this _____ day of _____, 19 _____.

DOUGLAS CHESHIRE, JR.
STATE ATTORNEY

By: _____
Assistant State Attorney
Seminole County Courthouse
Sanford, Florida 32771

Office of the State Attorney Forms

In order to protect the United States Constitutional right of "due process", the Office of the State Attorney has the responsibility to complete proper form procedures.

L.A.P. Activity - "Paperwork of a Prosecutor"

Instructions: It is suggested that the instructor use the provided forms in conjunction with a guest lecturer from the Office of the State Attorney. (It is also appropriate to use these forms during a mock trial.)

"Pay Your Dues"

A simulation game that demonstrates the sentencing process through student participation.

Instructions: The instructor will assign the following roles:

- 20 criminals *
- 2 HRS Counselors
- 2 Judges
- 1 Bailiff
- Family members as needed

*Criminals:

1. Dishonest John - worthless checks \$200
2. Boston Blackie - 15 grams marijuana
3. Superman Jones - armed robbery - jewelry store
4. Susie Cheerleader - trespass Melodie Skating Rink
5. Tommy Gunn - arson on MacDonalds
6. Dan Jurist - attempted manslaughter wife
7. Harriet Homicide - theft bicycle tire store
8. Cathy Conspiracy - simple battery
9. Priscilla Cause - gambling
10. Frank Felon - litter law
11. Tom Misdemeanor - illegal possession fireworks
12. Andy Assault - falsely impersonating an officer
13. Bob Battery - concealed weapon
14. Larry Larceny - fraud \$3500
15. Mary Jane Joyride - stolen boat
16. Sam Worthless - bomb scare
17. Robert Robbery - credit card theft
18. Alibi Al - removal of child illegally from state
19. Art Alcohol - child abuse
20. Terri Trespass - bigamy

Criminal's Instructions:

Each assigned criminal is to develop written background information on themselves and on their crime. Ten of the criminals will report to HRS counselor 1 and ten will report to HRS counselor 2.

HRS Counselor Instructions:

Each counselor is to review his/her client's background package. They must be prepared to make sentencing recommendations to the judge.

Judge Instructions:

Each judge will hear ten cases for sentencing. It is the responsibility of the judge to examine sentencing options and be able to explain during each sentencing the reason(s) for the deposition.

Bailiff:

The bailiff is responsible for court order and procedure. The bailiff will assign the twenty cases a docket number and record all sentences.

Family Members:

To allow for total class participation, the instructor may assign family members as needed to testify during sentencing.

Instructor:

The instructor will allow classroom time to prepare all roles. Upon completion of assignments, the court will be called to order. It is suggested that individual class results are compared and discussed.

The Florida Criminal Law - "Handbook for Peace Officers" published by the Seminole County Sheriff's Office would be a helpful source book in classifying the criminal's offenses.

JUVENILE LAW

The juvenile L.A.P. contains varied activities to strengthen a study in juvenile law. This L.A.P. includes the Gault decision, a Comparison of the Adult and Juvenile Justice Systems in Florida, the Florida Juvenile Justice System, a Juvenile Petition Form, Case Study of Dan, Case Study of Mary Beth, and Parental Liability.

"In re Gault 387 U.S. 1 (1967)"

Juvenile law precedent was established by the Gault decision in 1967. Heretofore, juvenile's constitutional rights were not considered in the criminal justice system.

L.A.P. Activity - "Gault"

THREE LANDMARK CASES ON JUVENILE PROCEDURAL DUE PROCESS

In re Gault 387 U.S. 1 (1967)

Facts

Gerald Gault was 15 years old. He was on probation for having been with another boy who had stolen a wallet from a lady's purse. On Monday, June 8, 1964, at about 10:00 a.m., Gerald and a friend, Ronald Lewis, were arrested by the sheriff of Gila County, Arizona, and taken to the Gila County Children's Detention Home. The boys were accused of calling a neighbor, a Mrs. Cook, and of making

insulting and obscene remarks to her on the telephone. Mrs. Cook was shocked by what the boys said to her, and she called the sheriff who traced the phone call to Gerald and Ronald. Soon after the boys were taken to the detention home, a probation officer, Mr. Flagg questioned the boys and they admitted making the telephone calls. Each boy blamed the other.

Gerald's mother and father were both at work the morning Gerald was arrested. The sheriff did not leave a notice telling them that Gerald was being held in the Children's Detention Home; nor did anyone from the sheriff's office call his parents. When his mother arrived home at about 6:00 p.m., Gerald was not there. She sent his older brother to look for him at the trailer home of the Lewis family. There, the brother learned that Gerald had been arrested, and he went to the detention home where Probation Officer Flass, who was also superintendent of the detention home, told Mrs. Gault why Gerald was there and said that there would be a hearing in Juvenile Court the following afternoon.

During questioning, Gerald admitted to Officer Flagg that he had made other nuisance phone calls in the past which, according to him, were "silly calls or funny calls, or something like that."

There was also evidence that Gerald might have broken some laws in the past. Two years earlier someone had said Gerald had stolen a baseball glove from another boy and lied about it to the policy department. However, there had not been enough evidence to arrest him or to have a hearing.

The next day Officer Flagg reported to Judge McGee of the Juvenile Court that Gerald was under 18 years of age and a juvenile delinquent. He asked the judge to order that Gerald be taken from his parents and placed in the Children's Detention Home. According to the law in Arizona, a juvenile delinquent is a child who:

- a. Has broken a law.
- b. Is continually disobedient and not controlled by his parents, guardians, or custodians.
- c. Is continually absent from school or home.
- d. Continually behaves in such a way that he harms the morals or health of himself and/or others.

The afternoon of the hearing, Gerald, his mother, his older brother, Officer Flagg, and another probation officer met with the juvenile judge. Gerald's father was out of the city on business and did not attend the hearing. Mrs. Cook, the woman who had complained about the boys' phone call, was not there either. No one was asked to swear to tell the truth at this hearing, and no record was made of what was said. The only way we know what happened at this hearing was from what Judge McGee, Mrs. Gault, and Officer Flagg said at another hearing two months later. The four agreed on some things that happened at the first hearing and disagreed on others. They agreed that at the first hearing the judge asked Gerald questions

about the telephone call. They disagreed about what Gerald said. His mother recalled that Gerald said he had only dialed Mrs. Cook's number and handed the telephone to his friend Ronald. Officer Flagg remembered that Gerald had admitted making one insulting remark. They all agreed that Mrs. Gault had asked the Judge if he was going to send Gerald to the detention home, and the Judge answered that he would "think about it."

After the first hearing, Gerald was taken back to the detention home. Two or three days later, Gerald was driven home. No one explained why he was kept in the detention home or why he was driven home after two or three days.

One the day Gerald was driven home, his mother received a note signed by Officer Flagg. It was on plain paper and not official stationery. It said:

Mrs. Gault, Judge McGee has set Monday, June 15, 1964, at 11:00 for further hearings on Gerald's delinquency.

On June 15, Gerald, his father and mother, Ronald Lewis, and his father and mother, and Officers Flagg and Henderson were in court before Judge McGee. Again no one was asked to swear to tell the truth and no record was made of the hearing. People at the hearing disagreed later when they tried to tell what happened. Mr. and Mrs. Gault remembered that Gerald again said that he had only dialed the number and Ronald had made the insulting remarks. Officer Flagg agreed at this time that Gerald did not admit making the remarks. But Judge McGee remembered there was admission again of some of the insulting remarks but no admission of the more serious remarks.

Again Mrs. Cook, the woman who had complained about the phone calls, was not at the hearing. Mrs. Gault said that Mrs. Cook should have come to the hearing, but the Judge said that she didnot have to be there. The Judge had never spoken or communicated with Mrs. Cook at any time. Probation Officer Flagg had talked to her once over the telephone on June 9.

At this second hearing, the Probation Officer handed a report to the Judge that was not given to Gerald or his parents. This report said Gerald was guilty of making insulting phone calls. The Judge declared Gerald had broken a section of the Arizona criminal law which said that a person who "in the presence of or hearing of any woman or child....uses vulgar, abusive, or obscene language; is guilty of a misdemeanor." The Judge ordered Gerald to be placed in the State Industrial School as a juvenile delinquent until he was 21 years old unless he was discharged sooner by "due process of law."

If Gerald had been over 18 years of age and tried in a regular criminal court under Arizona law, the maximum penalty for making "vulgar, abusive, or obscene" calls would have been a \$5 to \$50 fine or not more than two months imprisonment.

While Gerald was at the Industrial School, his parents filed a petition for his release, and the case eventually came before the

United States Supreme Court. Gault's lawyer argued that Arizona's Juvenile Code violated the Due Process provisions of the Fourteenth Amendment. Arizona attorneys argued that the whole idea of informal proceedings under the juvenile court system would be undermined if the court extended all the specific Bill of Rights Guarantees to young offenders.

QUESTIONS:

1. What constitutional rights would Gault have received if he had been an adult? Do you believe Gault should have had all these rights?
2. If he had had all these rights, would it have changed the outcome of the case? Why?
3. Should juvenile offenders in all respects be treated the same as adult offenders? With the same penalties? Same prisons?
4. How would you have decided this case? As a Supreme Court justice, would you release Gerald Gault or confirm his conviction?

COURT DECISION AND OPINIONS

Justice Fortas, who wrote the Court's majority opinion for In re Gault (1967), granted most of the demands of the Gaults on the basis of the following reasoning:

Departures from established principles of due process have frequently resulted not in enlightened procedure, but in arbitrariness.

....Due process of law is the primary and indispensable foundation of individual freedom. It is the basic and essential term in the social compact which defines the rights of the individual and delimits the powers which the State may exercise. As Mr. Justice Frankfurter has said: "The history of American freedom is, in no small measure, the history of procedure." It is these instruments of due process which enhance the possibility that truth will emerge from the confrontation of opposing versions and conflicting data. "Procedure is to law what scientific method is to science."

....The boy is committed to an institution where he may be restrained of liberty for years. It is of no constitutional consequence -- and of limited practical meaning -- that the institution to which he is committed is called an Industrial School. The fact of the matter is that, however euphemistic the title, a "receiving home" or an "industrial school" for juveniles is an institution of confinement in which the child is incarcerated

for a greater or lesser time. His world becomes "a building with whitewashed walls, regimented routine and institutional hours....." Instead of mother and father and sisters and brothers and friends and classmates, his world is peopled by guards, custodians, state employees, and "delinquents" confined with him for anything from waywardness to rape and homicide.

....It would be extraordinary if our Constitution did not require the procedural regularity and the exercise of care implied in the phrase "due process." Under our Constitution, the condition of being a boy does not justify a kangaroo court.....

Justice Fortas then proceeded to explain what he meant by due process of law for an accused juvenile delinquent:

1. Due process of law requires notice of the sort we have described - - that is, notice which would be deemed constitutionally adequate in a civil or criminal proceeding. It does not allow a hearing to be held in which a youth's freedom and his parents' right to his custody are at stake without giving them timely notice, in advance of the hearing, of the specific issues that they must meet. Nor, in the circumstances of this case, can it reasonably be said that the requirement of notice was waived.
2. We conclude that the Due Process Clause of the Fourteenth Amendment requires that in respect of proceedings to determine delinquency which may result in commitment to an institution in which the juvenile's freedom is curtailed, the child and his parents must be notified of the child's right to be represented by counsel retained by them, or if they are unable to afford counsel, that counsel will be appointed to represent the child.
3. We now hold that, absent a valid confession, a determination of delinquency and an order of commitment to a state institution cannot be sustained in the absence of sworn testimony subjected to the opportunity for cross-examination in accordance with our law and constitutional requirements.

Justice Black's concurring opinion emphasized that the Due Process Clause of the Fourteenth Amendment incorporated the Fifth and Sixth Amendments of the Bill of Rights:

Where a person, infant or adult, can be seized by the State, charged, and convicted for violating

a state criminal law, and then ordered by the State to be confined for six years, I think the Constitution requires that he be tried in accordance with the guarantees of all the provisions of the Bill of Rights made applicable to the States by the Fourteenth Amendment. Undoubtedly, this would be true of an adult defendant, and it would be a plain denial of equal protection of the laws - - an invidious discrimination - - to hold that others subject to heavier punishments could, because they are children, be denied these same constitutional safeguards. I consequently agree with the Court that the Arizona law as applied here denied to the parents and their son the right of notice, right to counsel, right against self-incrimination, and right to confront the witnesses against young Gault. Appellants are entitled to these rights, not because 'fairness, impartiality and orderliness' - - in short, the essentials of due process' - - require them and not because they are 'the procedural rules which have been fashioned from the generality of due process', but because they are specifically and unequivocally granted by provisions of the Fifth and Sixth Amendments which the Fourteenth Amendment makes applicable to the States

Justice White concurred with the majority, although he had reservations as to whether the privilege against self-incrimination had been violated. Justice Harlan concurred in part and dissented in part. He agreed with the Court in its requirement for timely and adequate notice, counsel, and a written record of the proceedings. He saw no need at that time to insist on the privilege against self-incrimination or on confrontation and cross-examination.

Dissenting Justice Stewart protested: "The Court today uses an obscene Arizona case as a vehicle to impose upon thousands of juvenile courts throughout the Nation restrictions that the Constitution made applicable to adversary criminal trials. I believe the Court's decision is wholly unsound as a matter of constitutional law, and sadly unwise as a matter of judicial policy.

"Juvenile proceedings are not criminal trials. They are not civil trials. They are simply not adversary proceedings. Whether treating with a delinquent child, a neglected child, a defective child, or a dependent child, a juvenile proceeding's whole purpose and mission is the very opposite of the mission and purpose of a prosecution in a criminal court. The object of the one is correction of a condition. The object of the other is conviction and punishment for a criminal act. ...

"The inflexible restrictions that the Constitution so wisely made applicable to adversary criminal trials have no inevitable place

in the proceedings of those public social agencies known as juvenile or family courts. And to impose the Court's long catalogue of requirements upon juvenile proceedings in every area of country is to invite a long step backwards into the Nineteenth Century. In that era there were no juvenile proceedings, and a child was tried in a conventional criminal court with all the trappings of a conventional criminal trial. So it was that a 12-year old boy named James Guild was tried in New Jersey for killing Catharine Beakes. A jury found him guilty of murder, and he was sentenced to death by hanging. The sentence was executed. It was all very constitutional."

QUESTION:

Do you agree or disagree with Justice Stewart's reasoning in his dissent? Why?

In summary, the court majority had ruled that a juvenile charged with delinquency has the following rights:

- a. He and his parents must be given written notice of the specific charges against him as soon as possible and with enough time before his hearing to get ready for it.
- b. He and his parents must be told before the hearing that he has a right to a lawyer, and if they can't afford one that the court will appoint a lawyer to represent him.
- c. He does not have to make any statement or testify if he doesn't want to, and the court must tell him that he has the right to remain silent.
- d. If he doesn't confess, the court has to have evidence from sworn witnesses, and the juvenile's lawyer can confront and examine these witnesses.

***Juvenile Justice, A High School Curriculum Guide, Institute for Political and Legal Education, Pitman, New Jersey, 1975.

Comparison of the Adult and Juvenile Justice Systems in Florida

In a study of the juvenile justice system, it is necessary for the student to compare and contrast the similarities and differences of the juvenile and adult criminal systems.

L.A.P. Activity - "Adult and Juvenile Justice System Comparison"

COMPARISON OF ADULT AND JUVENILE JUSTICE SYSTEMS IN FLORIDA

<u>Different</u>	<u>Similar</u>	<u>Equivalents</u>	
		<u>A</u>	<u>J</u>
1. Confidentiality	1. Right to Counsel	1. Arrest	Taken into custody
2. No Bail	2. Confrontation of Witnesses	2. Jail	Detention Center
3. No Trial by Jury	3. Timely & Adequate Notice	3. Complaint	Petition
4. Role of Judge	4. Proof of Guilt Beyond Reasonable Doubt	4. Crime	Delinquent Act
5. Waivers to Adult Court	5. Right to remain silent	5. Guilty Plea	Admission
6. Sentences Indeterminate	6. Written Record of Proceedings	6. Not Guilty Plea	Denial
7. Objectives of System (correction of conditions vs conviction & punishment)	7. Evidence from Sworn Witnesses	7. Conviction	Adjudication
	8. Right to Appeal	8. Sentence	Disposition
	9. Probation	9. Preliminary Hearing	Intake
	10. Parole	10. Pre Sentence Investigation	Pre Dispositional Report
	11. Grand Jury Indictment	11. Prison	Training School
	12. Plea Bargaining		
	13. No Double Jeopardy		

Florida Juvenile Justice System

Over the years, the juvenile justice system has become refined in terms of protection of constitutional rights and organizations.

L.A.P. Activity - "Flow Chart on the Florida Juvenile Justice System"

Instructions: The instructor will provide copies of the flow chart for each individual student upon the completion of content material on the juvenile justice system. This chart and component part explanation may then be used both for sequential organization and review.

COMPONENT PARTS
OF
FLORIDA'S JUVENILE JUSTICE SYSTEM AND BASIC STATUTORY
PROCEDURAL RESPONSIBILITIES

A. LAW ENFORCEMENT

1. Arrest-(or taking into custody)
2. Identification Process - fingerprinting/photographing for felonies
3. Booking and Processing/Notification of Parents or Guardian
4. Transportation to Intake/Detention Center
5. Filing of Official Complaint or
6. Report to Intake Office re Incident
7. Investigation of alleged juvenile offenses/offenders
(Usually conducted by special juvenile unit or designated officer)
8. Witness (as required)

B. STATE ATTORNEY

1. Prosecutes for State in delinquency or dependency cases where allegations are denied and contested.
2. Makes final decision as to whether petition is filed in all cases.
3. Files motions for waiver of juveniles to adult court.
4. Brings juvenile indictments before Grand Jury for decisions.
5. Conducts investigation for prosecution of cases.
6. Appearances in required juvenile hearings.

C. PUBLIC DEFENDER

1. Appointed by the State (Judge) to represent indigent juveniles (and sometimes those whose parents or guardians refuse to obtain counsel) - delinquency cases
2. Conducts investigations for defense of cases
3. Appears in required juvenile hearings

D. CIRCUIT COURT, JUVENILE DIVISION

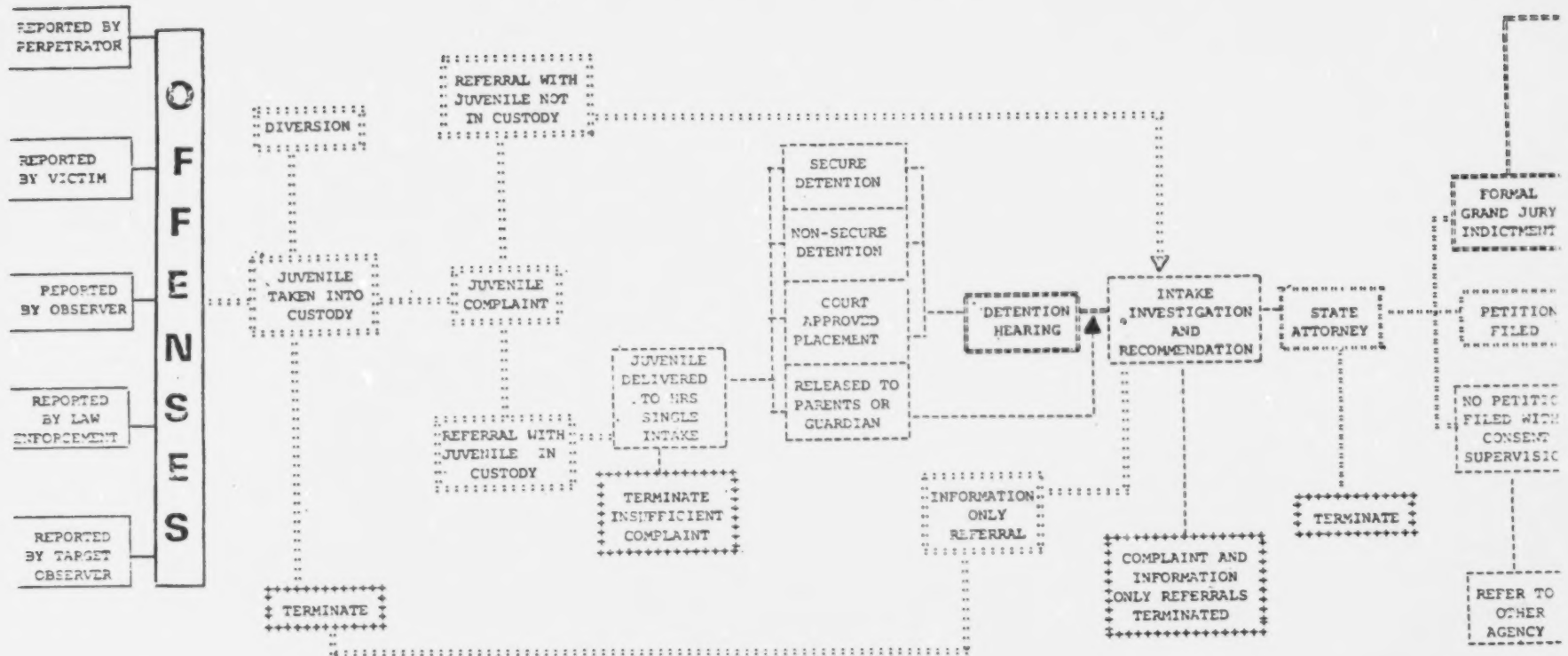
1. Has exclusive, original jurisdiction over proceedings in which a child is alleged delinquent or dependent and in case of delinquency may retain jurisdiction until child's 21st birthday (dependency, 18th birthday)
2. Conducts detention hearings, with power to retain juvenile in detention or release
3. Adjudicatory powers to find juvenile delinquent or dependent at adjudicatory hearing
4. Disposition (sentence) powers determining action taken at hearing regarding future of previously adjudicated delinquent or dependent youth
5. Power to waive juvenile to appropriate adult court
6. Has additional power to dismiss cases; withhold adjudication and place child on probation, or adjudicate and place on probation; commit child to child-care institution or HRS program; revoke or suspend child's driver's license; order parents to pay for treatment; order child to make full or partial restitution; order parents to participate in family or other professional counseling; place dependent children, including for adoption; issue additional orders as may be necessary in cases.

E. STATE DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES

(staffed by Youth Services and Social and Economic Services personnel)

1. Initial central intake screen and processing of juvenile complaints, including dismissal and non-court action dispositions; referral to other agencies; instigation of court action; decision as to recommend detention or release.
2. Detention - operation of both secure detention centers in all areas of state and non-secure community detention with daily supervision in child's own home or crises home facilities
3. Preparation of social history investigations and predispositional reports for Court
4. Probation services in community, both informal supervision and court ordered services
5. Operation of juvenile non-residential programs and residential facilities within state, including TRY Centers (NR), halfway houses, group homes, wilderness camps, training schools
6. Parole (Aftercare) services in community - post commitment, formal supervision of juveniles in home community

Florida Juvenile Justice System



LAW ENFORCEMENT

STATE ATTORNEY

COURTS

IN THE CIRCUIT COURT OF THE EIGHTEENTH
JUDICIAL CIRCUIT OF THE STATE OF FLORIDA,
JUVENILE DIVISION FOR SEMINOLE COUNTY

IN THE INTEREST OF:

CASE NO. _____

_____, A Child

PETITION

TO THE JUDGE OF THE ABOVE STYLED COURT:

THE STATE OF FLORIDA, by and through its undersigned Assistant State Attorney, respectfully represents unto the Court as follows: That, _____, Birthdate: _____, is a delinquent child within the meaning of Chapter 39 of the Florida Statutes, in that on the _____ day of _____, 197_____, in the County of Seminole and State of Florida, said child did

That said child's parents or legal custodians are:

Mother: _____ Residence: _____

Father: _____ Residence: _____

WHEREFORE, your Petitioner prays that process may issue in due course to bring the above named child and parents or legal custodians of said child before the Court to be dealt with according to Law.

STATE OF FLORIDA
COUNTY OF SEMINOLE

Before me, an officer duly qualified to administer oaths, personally appeared the aforesaid, who after being first duly sworn, deposes and says the allegations of the foregoing PETITION are true according to such person's information, knowledge and belief, and that this PETITION is filed in good faith.

SWORN TO AND SUBSCRIBED before me this _____ day of

_____, 197_____.

PETITIONER
ASSISTANT STATE ATTORNEY

Juvenile Petition Form

In comparing and contrasting the Adult and Juvenile Justice System, the differences between an Information and a Petition may be considered for reinforcement of classroom content.

L.A.P. Activity - "Petition Form"

Instructions: The student will compare and contrast the Information form provided in the Criminal Process section with this Petition form.

It is also suggested this activity be used in conjunction with a guest lecturer from the Office of the State Attorney - Juvenile Division.

Case Study of Dan

The following case study provides the student with the opportunity to examine statutes, role of an HRS Counselor and decision making by a juvenile judge in dispositions.

L.A.P. Activity - "Dan"

Dan is 16 and works as a stock clerk in Mr. Grogan's grocery store. One Saturday night before closing, he slips an extra set of store keys into his pocket. He returns to the store after hours, taking two six-packs of beer, some snack food, and the keys for the store's delivery truck, along with a credit card used to buy gas for the truck. After gassing up and riding around until the early hours of the morning, he spots Jim, the guy who beat him out as halfback this fall, driving home from a date. He chases Jim with the truck and tries to run him off the road, but Jim outruns him in his car. Dan returns the truck to the store that morning. Mr. Grogan finds out about Dan's using the truck, fires him on the spot, and says that he will bring in the police. Dan tells him that if it is reported, Dan and his friends will wreck Mr. Grogan's store.

1. What violations of statutes or ordinances did Dan commit?
2. How may these violations be punished?

Now let's add some facts about Dan. He is 16 and a senior in high school. He was an average student but lately his grades have fallen off; he has "mouthed off" to teachers and he has acquired a new set of unsavory friends. He ignores his parents and was picked up a month ago for possession of beer. He was fined and given a warning on that violation.

Assuming he is taken into custody on the violations committed above:

3. If you were the HRS intake counselor, would you recommend that he be tried as an adult? Why or why not?

Case Study of Mary Beth

The following case study presents a simulation on juvenile delinquency.

L.A.P. Activity - "Mary Beth"

Now that you have been studying the juvenile justice system, you know that within a framework imposed by the juvenile's rights, the court has a great deal of latitude in deciding what course of action is best for each young person.

Pretend for a moment that you are a judge in the juvenile court in your community. How would you decide the following case?

Mary Beth is 16 and a junior in high school. When she was 12, her father separated from her mother and now lives in another state. He does not pay support, nor is it likely that if the district court attempted to enforce support he would be able to pay much. Mary Beth and her brother, Steve, age 6, appear well-cared for. Their mother obviously cares a great deal about them and is concerned with their situation, but she works to support the family, which takes a great deal of her time.

Mary Beth has been before the HRS officials previously. The first time was for shoplifting a small item when she was 14 and the last time was when she was returned to her home after running away for 6 weeks. This incident occurred right after her father visited their home and had beaten up on the children.

Last week, Mary Beth was spotted by the police wandering around the Mall at 11:30 p.m. They picked her up for a curfew violation. The school authorities report that she has been skipping school lately. The HRS intake office is considering a petition to declare her delinquent.

Mary Beth states that she feels no one cares about or understands her. On the other hand, she says she knows her mother loves her, that she does not want to be taken from her home, and that she will try very hard to stay out of trouble if she is allowed to return home.

1. Should Mary Beth be determined a delinquent child? What are the alternatives to this determination?
2. If she is determined delinquent, what future course of action should be taken? If she is not determined delinquent, should the matter be dropped or are there other actions that should be taken?

Researching Parental Liability Law

State statutes vary on parental liability resulting from tort cases.

L.A.P. Activity - "Parental Liability"

Instructions: There are numerous ways to approach this classroom activity. The instructor may use this assignment as a class project or an individual student assignment.

The Attorney General for each of the fifty states will be requested to provide the following information on parental liability in their state. This information should be compiled into chart form.

1. Are the parents liable for the torts of juveniles in the state?
2. If so, until the juvenile reaches what age?
3. The amount of liability for each tort.
4. What kinds of liabilities are the parents accountable?

FAMILY LAW

Family law encompasses many areas. Selected topic activities included in this unit are:

Marriage Application

Rights and Responsibilities of Parents and
Juveniles

Illegitimacy

Child Custody

Divorce and Wills

Marriage

All states regulate marriages. This activity is designed to investigate the marriage procedure in Florida.

L.A.P. Activity - "Tying the Knot"

Instructions: The students should discuss if the state should regulate marriage and the requirements that should be mandated by law. Compare the student's regulations with those that are required by the state of Florida.

The provided marriage form will be examined question by question. The students should decide both the purpose for each section and the validity of the state asking for such information.

MARRIAGE RECORD FLORIDA

APPLICATION NO. _____		STATE FILE NO. _____							
MALE PERSONAL DATA	APPLICATION TO MARRY	1. Name of Male (First) (Middle) (Last)		2. Race					
		3. Usual Residence of Male (City or Town) (County) (State)		4A. DATE OF BIRTH		4B. AGE			
		5. NUMBER OF THIS MARRIAGE		6A. LAST MARRIAGE ENDED BY (SPECIFY DEATH, DIVORCE OR ANNULMENT)		6B. DATE LAST MARRIAGE ENDED		7. STATE OF BIRTH (IF NOT IN U.S.A., NAME COUNTRY)	
		8. Name of Female (First) (Middle) (Last)		Maiden name if different		9. Race			
FEMALE PERSONAL DATA	APPLICATION TO MARRY	10. Usual Residence of Female (City or Town) (County) (State)		11A. DATE OF BIRTH		11B. AGE			
		12. NUMBER OF THIS MARRIAGE		13A. LAST MARRIAGE ENDED BY (SPECIFY DEATH, DIVORCE OR ANNULMENT)		13B. DATE LAST MARRIAGE ENDED		14. STATE OF BIRTH (IF NOT IN U.S.A., NAME COUNTRY)	
		WE THE APPLICANTS NAMED IN THIS CERTIFICATE, EACH FOR HIMSELF, STATE THAT THE FOREGOING INFORMATION IS CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THAT NO LEGAL OBJECTION TO THE MARRIAGE NOR TO THE ISSUANCE OF A LICENSE TO AUTHORIZER THE SAME IS KNOWN TO US AND HEREBY APPLY FOR LICENSE TO MARRY.							
		15. Male (Sign full name)		16. Female (Sign full name)		17. Title		18. Title	
AFFIDAVIT OF FEMALE AND MALE	APPLICATION TO MARRY	19. Subscribed and sworn to before me on:		20. Signature		21. Title		22. Signature	
		23. Date		24. Signature		25. Title		26. Signature	
		27. Date		28. Signature		29. Title		30. Signature	
		31. Date		32. Signature		33. Title		34. Signature	
LICENSE TO MARRY		CERTIFICATE OF MARRIAGE		23. DATE LICENSE ISSUED		24. EXPIRATION DATE		27. I HEREBY CERTIFY THAT THE ABOVE NAMED BRIDE AND GROOM WERE JOINED BY ME IN MARRIAGE IN ACCORDANCE WITH THE LAWS OF THE STATE OF FLORIDA.	
AUTHORIZATION AND LICENSE IS HEREBY GIVEN TO ANY PERSON DULY AUTHORIZED BY THE LAWS OF THE STATE OF FLORIDA TO PERFORM A MARRIAGE CEREMONY WITHIN THE STATE OF FLORIDA AND TO SOLEMNIZE THE MARRIAGE OF THE ABOVE NAMED PERSONS.		THIS LICENSE MUST BE USED ON OR BEFORE THE ABOVE EXPIRATION DATE IN THE STATE OF FLORIDA IN ORDER TO BE RECORDED AND VALID.		OR _____ DATE _____ AT _____ CITY OR TOWN _____ FLORIDA		28A. SIGNATURE OF PERSON PERFORMING CEREMONY		28B. NAME OF PERSON PERFORMING CEREMONY (TYPE OR PRINT)	
25A. SIGNATURE OF PERSON ISSUING LICENSE		25B. BY D.C.		29A. SIGNATURE OF PERSON PERFORMING CEREMONY		29B. NAME OF PERSON PERFORMING CEREMONY (TYPE OR PRINT)		29C. TITLE	
25C. TITLE		25D. COUNTY		29D. ADDRESS		29E. ADDRESS		29F. ADDRESS	
31. Date Returned		32. Recorded in Book _____ Page _____		33. CLERK OF COURT		34. WITNESS TO CEREMONY		35. WITNESS TO CEREMONY	
RECORDED		36. CLERK OF COURT		37. WITNESS TO CEREMONY		38. WITNESS TO CEREMONY		39. WITNESS TO CEREMONY	

Marriage (continued)

The "Loving vs Virginia" case study may also be used during this exercise.

Loving vs Virginia (1967)

In June, 1958, Mildred Jeter, a black woman, and Richard Loving, a white man, decided to get married. They were both legal residents of the state of Virginia. They traveled to the District of Columbia where they were legally married. A short time later, they returned to Virginia and lived together as man and wife.

In October, Mr. and Mrs. Loving were brought to trial for violating Virginia's ban on inter-racial marriages. They had violated two statutes. One was a ban on inter-racial marriage and the other was a prohibition on leaving the state to get married in order to get around the ban on inter-racial marriage. The Lovings pleaded guilty and were sentenced to one year in jail; however, the judge suspended the sentence for a period of twenty-five years on the condition that the Lovings leave the state and not return to Virginia together for twenty-five years.

After the conviction, the Lovings moved to the District of Columbia. They then asked the Court to repeal the conviction on the ground that the Virginia statutes were counter to the United States Constitution.

1. Should the basic right to marry be regulated in any way by the state?
2. What interests does the state have in regulating marriages?
3. Which, if any, of the following should be concerns of the state in licensing marriage:
 - a. age
 - b. sex
 - c. mental capacity
 - d. health
 - e. blood relationships
 - f. religion
 - g. race
 - h. other?

WHY?

Rights and Responsibilities of Parents and Juveniles

Rights and responsibilities are an integral foundation for our legal system. Family law study should integrate this concept into curriculum planning.

L.A.P. Activity - "We Are Family"

Instructions: One half of the classroom is to be divided into a parent section and one half of the classroom is to be divided into the juvenile section. The parent section is to develop a list of rights and responsibilities for themselves. The juvenile section is to do the same. Upon completion of the two master lists, each group is to be brought together to finalize a compromised list.

Commonwealth vs Hall

This case study through student participation investigates family responsibilities for the welfare of children, the good samaritan principle, and the legal principle of illegitimacy.

L.A.P. Activity - "Gladys Hall"

Commonwealth vs Hall (1948)

Gladys Hall was twenty-four years of age, unmarried, and the mother of a daughter born on August 18, 1946, to whom no name was given. The child and Gladys lived with Gladys' father. At birth the child was perfectly healthy, weighing nine pounds and four ounces.

On October 24, 1946, acting on a complaint charging neglect a police officer entered Gladys' home and discovered the baby in an attic. The baby was found dead and weighing only five pounds. The cause of death was starvation and lack of water. The evidence revealed that Gladys had placed the baby in the attic and last fed it two days before. Though she had heard the child crying, she did not take care of her.

Gladys claimed she had no money to buy food for the child, but on the day she last fed the baby she had been given \$5 by her father, money she spent on curtain rods. Gladys said that she was getting so many complaints from her brother and father about the noise the baby was making that "she was sick and tired of it all." Asked whether she had put the baby in the attic for the purpose of having it die, she replied, "I guess so."

QUESTIONS

1. Do you believe that Gladys should be held responsible for the death of her illegitimate child?
2. Do you believe that the child's being illegitimate should make any difference to Gladys' being held guilty?
3. Suppose that Gladys' father knew that the child was not being fed. Do you think he should be held responsible for the baby's death? And the brother? Any of the neighbors that knew of the child's condition? The natural father who lived elsewhere?
4. A stranger comes upon an infant whose head is in a puddle of water: the infant clearly is about to drown. The stranger walks by and the infant drowns. Do you believe the stranger should be held responsible for the death of the infant? Has he killed the infant?
5. Suppose a stranger passes a beggar and declines to give the beggar money though it is apparent the beggar is starving. Do you think the stranger should be held responsible for the beggar's death?

Painter vs Bannister

An emotional issue that arises in family law is court ordered custody of juveniles. Both the rights of the juvenile and the parents must be considered.

L.A.P. Activity - "Mark Painter"

Painter vs Bannister (1966)

Mark Painter's mother and his younger sister were killed in an automobile accident in 1962, near Pullman, Washington. Mark's father made some arrangements for his care, but he was not satisfied with them. So he asked Mark's maternal grandparents to take care of Mark. Mr. and Mrs. Bannister came to California and took five year-old Mark back to their home, a farm near Ames, Iowa.

According to some witnesses, Mark's behavior in Iowa was questionable. He mixed fact and fiction and told "tall tales", mostly involving himself in a dominant role. He was aggressive towards small children and cruel to animals. His classmates did not like him. He seemed not to know what acceptable conduct was. However, after some time passed, Mark changed a great deal. He seemed happy and got along with his classmates well. He stopped the behavior that was disliked

by his grandparents and others. Although he was subject to more nervousness than is normal in a young boy, he seemed reasonably well adjusted and content.

In November of 1964, Mr. Painter remarried. He notified the Bannisters and asked to have Mark come live with him. The Bannisters, however, refused to allow Mark to return to his father because they did not approve of the way Mr. Painter lived his life. They felt Mark would be raised more properly if he stayed with them.

Mark's father, Harold Painter, born in California, was placed in a foster home at the age of two after his parents had divorced. Although he kept in touch with his natural parents, he considered his foster parents as his family. He did not do well in school; his lack of interest in academic subjects caused him to fail out of high school and a trade school. He joined the Navy at seventeen but did not like it. After his honorable discharge from the Navy, he returned to stay with his foster parents. He obtained his high school diploma by taking examinations and went to college for two and one-half years on the G.I. Bill. He left college to take a job with a small newspaper.

Mark's mother, Jeanne Bannister, was born, reared, and educated in rural Iowa. Both her parents were college graduates. Her father was an editor of an agricultural information publication for the State University. He had served on the school board and taught Sunday school at the Congregational Church. Jeanne was brought up in a stable, conventional manner. After graduating from high school, she went to Grinnel College, and after receiving her degree, she went to Anchorage, Alaska to work for a small newspaper. There she met Harold Painter.

In the ten years since Harold Painter left college, he changed jobs seven times. He was asked to leave two of them and two he left because he did not like the work. The other times he left for more pay or for more time to devote to his writing and photography. He turned down a good paying job in Portland because he felt it would not be stimulating and was not what he really wanted. Painter had what might be called an easy come, easy go attitude toward money. He usually turned over the problems of family finances to his wife, first to Mark's mother and then to his second wife. There was \$4300 in Mark's mother's estate after she died. Most of it was a gift from the grandparents. It was hoped it would be used for Mark's education, but Painter went through it rather quickly.

Painter, a non-conformist, lives with his second wife, who has a master's degree, in an old but architecturally interesting house. The outside is not painted because they like the look of exposed wood. They furnish and decorate their house with inexpensive but artistically attractive furnishings.

Mr. Painter is a liberal politically and once was in some trouble with his employers at the University of Washington for supporting the American Civil Liberties Union in the university bulletin.

He has no concern for formal religious training for Mark. He may be an agnostic or an atheist. After his wife died, he conducted a private funeral by himself in the basement of their house; then, dressed in a sportshirt and sweater, he attended Jeanne's formal funeral at a church in Pullman.

Although they are sixty years old and would be seventy by the time Mark is graduated from high school, the Bannisters feel Mark would be better off if they raised him. They feel he would benefit from the stability and comfort of their way of life and from being exposed to a conventional middle class mid-western life. They do not want him exposed to the unorthodox and insecure life style of his father.

Mr. Painter feels he has the right to raise his son in his own way. He filed suit to have Mark returned to his custody.

1. Should a natural parent always have the right to raise his children?
2. What should be the Court's main consideration:
 - a. the right of a parent to have custody of his child or
 - b. the welfare of the child?
3. Should Mark have any say in the matter? What is he were two? Sixteen?
4. If there is nothing criminal or illegal in Painter's way of life, how much influence, if any, should it have on the Court's decision? How can the Court determine what is best for the child?

"Divorce Court"

A simulation game that demonstrates the process of divorce.
(dissolution)

Instructions: The instructor will assign the following roles:

- One judge
- Married couples
- Defense attorney for each divorcing party
- One Baliff
- Extras

Judge (instructions)

The judge will preside over all dissolution hearings and will make all final decisions in the case.

Married couples (instructions)

Each assigned couple will establish a family history which will include children, property owned, cash, etc.

Defense Attorney (instructions)

The attorney's job will be to mediate a settlement before the scheduled hearing date. He is charged with representing his client during all procedures.

Baliff (instructions)

The baliff is responsible, once the dissolution hearing begins, for court order. He is also in charge of case order.

Extras (as needed)

Students without assigned roles may be used as children in disputed custody hearings.

General Instructions:

The teacher is to facilitate mediation before dissolution. After all final dissolution hearings have taken place, it is suggested the teacher hold a class discussion emphasizing the emotional impact, financial impact, and child custody aspects of a divorce proceeding.

WILLS

A will is a transfer of property. It is effective upon the death of a person. The maker of a will, if male, is the testator, and if female, the testatrix.

L.A.P. Activity I - "Your Will"

Instructions: Students will individually create their last will and testament.

L.A.P. Activity II - Florida Bar, "Wills, Trusts, Estates, and Property"

Ann Marie Karl
Florida Bar Youth
and the Law Project

Sample Case

CIVIL LAW

WILLS, TRUSTS, ESTATES AND PROPERTY

You are an attorney at Money, Nett & Profit law firm. A couple retains you to write up their wills and to plan their estate. The husband is 48 years old; the wife is 40 years old.

Items you have to work with:

1. He has insurance (life); she doesn't. (his = \$50,000)
2. \$175,000 home; mortgage is \$400 per month
3. He is a doctor (M.D.) in a professional corporation. His name is part of the firm's name. Recently malpractice proceedings have started against him for alleged negligence (leaving a sponge in patient). Husband also has a small antique sports car repair shop he owns and runs in his spare time. It is a sole proprietorship. It is not incorporated. He owns all the equipment and tools.
4. Husband also owns antique sports car worth \$20,000 when in good condition; it does not run right now. Needs work.
5. Wife tends to be a "swinger" on occasion in that she's away for weeks at a time on business. She is a professional songwriter and singer. She writes all the songs that the group "Kiss" sings. Sometimes she sings at nightclubs. Recently her doctor has found the possibility of cancer of the larynx in her throat. The doctor hasn't told her - only her husband.
6. The wife insists that she needn't be included in the will of her husband because she is financially "independent."

7. Four children: Ages 10, 14, 20, 21
(G) (B) (G) (B)
8. Two younger children want to go to private school, then college. The younger girl has a mental and physical handicap. The younger boy wants to be a musician or to take over his father's sports car business.
9. Older boy has been disowned by father because boy dropped out of medical school and has been living with a woman. They have two children. Mother has not disowned him. He is on welfare.
10. Older girl has been going through divorce proceedings. She may be pregnant. She never went to college.
11. One race horse (three years old)
12. \$25,000 in savings account (his name).
13. \$15,000 in joint checking account
14. 100 shares IBM stock (his name)
15. 200 shares Quaker Oats stock (wife's name)
16. Husband owes \$50,000 on a loan for real estate - an unproductive Florida orange grove.
17. \$45,000 summer home, Tenancy-in-Common with wife
18. Both want to donate vital organs and then be cremated. Ashes to be put into Pacific Ocean.

TORTS

A tort is a civil wrong for which compensation may be awarded by the courts. There are three main types of torts:

1. Intentional
2. Strict Liability
3. Negligent Acts

This L.A.P. contains tort case studies.

Tort Case Studies

There are varied tort case studies. In addition to the ones following the instructor may desire to present current situations such as the St. Petersburg Skyway Bridge.

L.A.P. Activity - "Wayward Canary"
"Nobody's Fault"
"Stray Bullet"
"V.J. Lindsay"

Instructions: The following case studies are to be presented to the class and discussed in relation to the area of tort law which is applicable.

WAYWARD CANARY

1. Myrtle's pet canary escaped from its cage one morning and fluttered into a neighbor's back yard. The neighbor captured the bird but refused to give it back. Finally Myrtle filed suit.

When the case came to trial, the neighbor argued as follows:

"The canary may have been her property while it was in the cage. But once it escaped into open air, it was 'fair game'. So now it's mine."

2. A more extreme case involved a rare species of parrot. This time, the bird escaped and remained at large for almost three weeks. When finally captured, it had made its way to the next county.
3. On the other hand, consider the saga of a sea lion which escaped from a holding tank into the Atlantic Ocean and was later recaptured by a fisherman.

ANSWERS

1. Generally speaking, an animal that is wild by nature belongs to no one. But once captured and domesticated, it may become as much private property as an automobile or a suit of clothes. From then on, even if it escapes, most courts will continue to recognize the original owner's rights.
2. When the owner proved that the bird had been trained, the court upheld his property rights on the parrot and ordered it returned.
3. Here, the creature had not been domesticated in any way. The court thereupon decided in favor of the fisherman, pointing out that the sea lion had "regained its natural liberty."

"There was no intention on its part," said the court, "of returning to its place of captivity, or of again submitting itself to the domination of the (original owner)."

NOBODY'S FAULT

1. Harvey saw two Airedales fighting on the sidewalk. Snatching up a stick, he raised it over his head to drive them apart. But as he did so, the stick struck another helpful citizen who had come up behind him.

As a result, Harvey wound up in court facing a damage claim. The other man reasoned as follows:

"I do not blame Harvey for trying to break up the dog fight. But the fact is he did put a gash in my scalp that took seven stitches to close. Since this was certainly not my fault, I am entitled to be compensated for my injury."

2. A motorist caused a collision when he fell asleep at the wheel. Defending himself later in court, he said:

"One moment I was awake, the next moment I was sleep."

3. Another case involved a motorist who was sued for knocking down a four year old boy. The youngster had dashed out suddenly from behind a parked car.

- a. Brown vs Kendall, 60 Mass. 292 (1850)
- b. Geren vs Lowthian, 152 Cal. App. 2d 230 (1957)
- c. Bushness vs Bushnell, 103 Conn. 583 (1925)

ANSWERS

1. The court turned him down, since it was not Harvey's fault either. The court said the incident fell in the category of "inevitable accident" for which the law imposes no liability on anybody.
2. The mere fact that an accident happens suddenly does not mean it was "inevitable." Thus, the court found the motorist negligent for not paying more attention to the telltale symptoms of drowsiness.

"Sleep," said the court, "does not ordinarily come upon one unawares."
3. The child was too young to be blamed for the accident. But the court saw no reason to make the equally blameless motorist foot the bill.

STRAY BULLET

1. Irked by a neighbor's barking dog, Phil took a potshot at it with his pistol. The bullet missed the dog, passed through a hedge, and injured a boy on the sidewalk.

Was Phil legally liable to the victim? In a court hearing, he denied responsibility.

"The boy was completely hidden by that hedge," he said. Obviously, I had no intention of hurting him, since I was even aware that he was there."
2. In another case the trigger was pulled by accident. An off-duty watchman was twirling his gun on his forefinger when it discharged. He had forgotten it was loaded.

A companion was wounded in the leg, and later filed suit for damages.
3. A hunter fired at a wild turkey. The bullet hit a tree and ricocheted into another hunter who was hiding in the bushes.
 - a. Corn vs Sheppard, 179 Minn. 490 (1930)
 - b. State vs Batson, 339 Mo 298 (1936)
 - c. Rives vs Bolling, 180 Va. 124 (1942)
 - d. Seabolt vs Cheesborough, 127 Ga. App. 254 (1972)

ANSWERS

1. The court held Phil liable anyhow, pointing out that he had no right to fire at the dog in the first place. As for the "no intention" argument, the court ruled that as one judge put it "the intention follows the bullet."
2. The court found liability, declaring that absentmindedness was no excuse.

"Guns thought to be unloaded," said the court, "are the most dangerous. The tragic story of death and injury is all too familiar in this country."
3. The law recognizes that pure accidents can and do occur. The court said the first hunter, having fired his gun lawfully, could not be blamed for what happened. He would have needed "necromancy," said the court, "to foresee such an outcome."

CONSUMER LAW

The consumer sector is increasingly becoming more complex. The government and the legal system are beginning to work together to give the consumer more assistance and protection. The following L.A.P. includes an explanation of the Small Claims Court System, A Small Claims Court Simulation Game, the Credit Process, and an index of Consumer Assistance Agencies.

V.J. LINDSAY

V.J. Lindsay, a resident of New York City, decided to go for a Sunday drive in his new Jaguar. Since it was a pleasant spring day, he picked up his girlfriend, Happy, also a New York City resident, and they mutually decided to drive through the countryside of Connecticut. Happy, upon seeing a Connecticut farmer attempting to milk a horse, became uproarious with laughter, whereupon she slapped V.J. on the back. He was speeding at the time and upon being shocked, had to turn the wheel sharply to keep the car on the road. To his chagrin, the steering wheel came off in his hands and the car crashed, injuring both V.J. and Happy. Connecticut has a statute making drivers liable to their guests for injuries due to the driver's negligence. Speeding is held negligent in both Connecticut and New York. New York has a statute exonerating drivers from liability to guests. Connecticut law makes contributory negligence a defense to any action. New York law does not. Connecticut and New York law makes a manufacturer absolutely liable to a purchaser for defective parts.

Happy sues V.J. in Connecticut which subscribes to the rule that the law of the place of injury governs liability.

- a. Happy will win because V.J. was negligent and she was his guest.
- b. Happy will lose because New York exonerates drivers from liability to their guests.
- c. Happy will win because manufacturers are absolute liable for defective parts.
- d. Happy will lose because she was contributorily negligent.

Happy sues V.J. in New York which subscribes to the rule that law of New York governs liability.

- a. Happy will win because V.J. was negligent.
- b. Happy will win because manufacturers are absolutely liable for defective parts in New York.
- c. Happy will lose because she was contributorily negligent.
- d. Happy will lose because New York has a statute relieving drivers of liability to their guests.

SMALL CLAIMS COURT EXPLANATION

Those persons who do not desire to hire legal counsel and have claims less than \$1500 may use the small claims court.

L.A.P. Activity - "Small Claims in Florida by Jawdet I. Rubaii"

Instructions: The following explanation by Jawdet Rabaii presents the process of the small claims court. It is suggested the students read the presentation and answer the following questions:

1. Define:
 - claim
 - jurisdiction
 - judgement
 - complaint
 - service of process
 - court cost
 - recorded judgement
2. List the four areas of jurisdiction for the county court.
3. List and explain each purpose of the five steps in settling a citizen dispute.
4. How is process served on a corporation?
5. Why would one want to record a judgement?
6. Discuss the problems involved with collection.

SMALL CLAIMS IN FLORIDA

BY

Jawdet I. Rubaii

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August 14, 1979

Introduction

"A little knowledge can be dangerous, but no
knowledge can be fatal"

In Florida, the small claims court and the county court are the same thing. The name "small claims court" is confusing. Anyone who has been to court or owed money to someone can tell you that small amounts of money are always those amounts which someone else owes. Whenever you owe money or someone owes you money, the amount is always large!

Throughout our discussions today, and throughout the rest of these

materials, the name "small claims court" will be used because most people do not know that in Florida, county court is the small claims court. The county court in Florida can decide all claims which are \$2500 or less. If someone has a claim against you for more than \$2500, or you have a claim against someone for more than \$2500, you should not be in county court. A claim is a legal right to receive money. If someone dislikes you and they sue you because they dislike you, they do not have a claim. This is because they have not set out a legally sufficient right against you. However, if your landlord does not return your deposit when you have complied with the lease in full, then you would have a legal claim against him for the amount of your deposit.

In addition to deciding claims less than \$2500, the county court also decides most landlord-tenant disputes. County court judges decide most traffic cases and small criminal cases where the punishment is less than one year. County court judges also set bail for people charged with a crime. Sometimes, you may be in court waiting for your case and hear the judge sentence someone to jail or set bail. Do not be afraid! Judges have many jobs to do in court which have nothing to do with your case.

The reason a county court judge does not decide cases where any claim is for more than \$2500 is because the Florida State Constitution and Florida statutory law will not allow them the power to do so. This idea of power is called jurisdiction. Jurisdiction is very important. If a court does not have jurisdiction, it cannot decide a case. There are many different courts in Florida and throughout the United States all of which have different jurisdictions. County courts do not have the jurisdiction to decide divorces, amounts more than \$2500, and felony criminal cases.

Small claims court is great because it can be fast and simple. It can be too fast if you are the defendant being sued for money and too slow if you are the plaintiff suing to get your money. Small claims court is simple if you are a lawyer and somewhat difficult if you are not a lawyer. I would say that it is easier than learning to play chess but a little more difficult than learning to play checkers. Suing and defending in small claims court is probably something like playing monopoly or backgammon.

The main reason that small claims court is fast is because of special rules called the Rules of Summary Procedure. These rules are used when the amount of money involved is less than \$1500, not counting interest, court costs and attorney's fees. If the amount is more than \$1500, or if the judge decides not to use the Summary Rules, then another set of more complex and slower rules come into effect. These rules are called the Rules of Civil Procedure.

The clerk of the county court is the person to ask if you have any questions about court rules, court costs, court dates, court judges, and court forms.

FIVE STEPS TOWARDS SETTling A CITIZEN'S DISPUTE

Essentially, any small claims dispute, like any other dispute, can become complex and involved. Many times, the person involved with the dispute will become so perplexed that he or she is unable to resolve the dispute in a logical and systematic manner. It is my opinion that any small claims dispute and even some other disputes which are not small claims matters, can be resolved through a simple five-step process.

These five steps are like five parts to a flow chart. At any stage during the five steps, the dispute may become resolved. However, if the dispute is not resolved, then you would proceed to the next step. Briefly listed, the five steps are:

Step 1: WRITE OUT ALL OF THE FACTS.

Step 2: TALK TO THE OTHER SIDE.

Step 3: CONSULT AN ATTORNEY.

Step 4: GO TO COURT.

Step 5: COLLECTION.

A brief explanation of each of these steps will be set out and it should be noted that each of these steps should provide at least one classroom activity to be utilized by the class. This activity should give the students an opportunity to practice each one of these steps. (Activities for the class to practice during each step have been provided.)

Step 1: WRITE OUT ALL OF THE FACTS

"There is no real analysis, no logic, and no easy communication or recall until something is in writing."

Whether you are suing someone or are about to be sued, it is necessary to write out the entire situation in detail. It is not easy to write out an entire situation and keep to the facts of that situation. It may be difficult and take time to write out the entire situation but you must do so! There are several reasons for writing the entire situation out on paper. First, writing the entire problem out will help you to organize and recognize the strengths and weaknesses of your case. Second, writing out the problem will enable you to get advice from someone else by simply providing that person with a copy. Finally, writing out the problem will provide a written explanation to the opposite side who for one reason or another may not fully understand the situation. It is important when you write out the situation to make sure that all relevant aspects of the situation have been included. Do not forget time, places, and dates. When

writing out the situation, ask yourself on each issue the questions who, what, when, and where. This will help lay out any background information necessary to understand the dispute. Do not forget to tell what has occurred since the incident that you are complaining about occurred.

Generally speaking, it will take at least three drafts of your paper in order to lay out all of the necessary and relevant facts. If any facts are unknown but appear to be important, it is best to list the questions which need to be answered at the end of the paper.

It is difficult to overemphasize the importance of having a written explanation of the entire situation which is causing the dispute.

Step 2: TALK TO THE OTHER SIDE.

"You will never know if you can agree until you try."

Always try to settle a potential court dispute before you sue or before you are sued. It is impossible to settle a dispute without talking to the other side either in person or by letter. Many times, people are afraid to talk or write to the other side. This occurs because of the friction and hard feelings which have developed.

I suggest that you get up the necessary courage and go talk to the other side in person. This can, many times, save a lot of hassle for both parties. Before you talk or write to the other person, several questions must be asked.

First of all, you must ask yourself, "What is it that I want?" This may sound easy, but it can be quite difficult. If you are disappointed with some service that has been provided for you, decide how much money you think you are entitled to or what kind of service you are entitled to.

Remember that a court of law can only rule that someone either does or does not owe you the money you seek. This ruling is called a judgment, but it is often unnecessary to try to get one because you may be able to settle your dispute informally. The other party may agree to satisfy your gripe by doing additional work, giving you new merchandise or fixing a mistake if you are the plaintiff.

If you are the defendant, you might be able to offer the same type of solutions to settle your dispute. You will never find out if the dispute can be settled unless you decide what is fair settlement and then talk or write to the other party about it.

Be polite, courteous and reasonable. Do not threaten suit, but make it clear that you will assert your rights if a fair and reasonable resolution to the problem is not made.

Since you have already written out the situation, there should be no problem in writing a polite but formal letter to the other side. Always keep a copy of this letter on file. Also, ensure that the potential defendant gets a copy of the letter by either hand delivery or certified mail.

A letter written to the defendant should contain several elements. First, it should spell out clearly the factual background to the problem. Second, it should politely request specifically what you think would be fair and reasonable. Third, it should contain an exact date by which your request should be met. Always leave an address and telephone number where you can be reached. If you receive no reply, or if it is obvious that the other side is trying to avoid you, do not keep trying to communicate with them. Instead, proceed directly to Step 3. (see sample letter)

Step 3: CONSULT AN ATTORNEY.

"The difference between the brave and the fool-hardy lies in knowing when to get some advice."

If you are considering suing someone or if you are going to be sued, you should consult an attorney. Consulting an attorney does not mean that you have hired the attorney. Rather it means that you are seeking his advice about your particular situation.

One common misconception is that consultation with an attorney is always expensive. The Florida Bar can refer you to an attorney who will give you one-half hour of consultation for \$10.00. If you qualify for legal services, you can get consultation and sometimes representation free of charge. Many local bar associations offer free consultation or inexpensive consultation also.

If you are a student at a university, you may be entitled to free consultation. Some companies even have prepaid legal services as an employee fringe benefit.

If it important that you take maximum advantage of your time with the attorney. Never go to an attorney without having first tried to settle the dispute yourself as described in Step 2, and never go to an attorney without having your situation written down in detail as described in Step 1. Having the facts written down for the attorney will enable him to examine your situation quickly and give you the most for your dollars.

If possible, it is best for you to bring the various forms from the small claims court so that if it is necessary for you to sue, the attorney can help you fill out the forms. If you are a possible defendant in a lawsuit (being sued), you should bring all of the papers which are relevant to the dispute as well as your statement of the facts and any letters you have written.

Consulting an attorney has several advantages. First, in any dispute, there are areas of the law of which you will be unaware. Second, no matter how often you have used small claims court, there will be procedures and forms of which you will know nothing. Third, and most important, problems with individuals and with companies may cause you to not look at the situation objectively.

An attorney is an objective party who can better help you understand the important issues in your particular problem or controversy. Many times, the question is posed "When do I need an attorney for a legal problem?" My philosophy is that you should never go to court without having first consulted an attorney.

As mentioned above, consulting with an attorney is not the same as being represented by an attorney. In very few cases will the cost of an attorney justify his representing you when small amounts of money are in dispute.

I recommend that an attorney represent you in any matter where the amount of money will make a significant difference in your lifestyle or if the problem or controversy is causing you so much worry and discomfort that your everyday lifestyle is being disturbed.

Step 4: GO TO COURT (THE BIG STEP).

"An official summons delivered by a sheriff has a way of making everyone a little more 'reasonable'."

Before you file suit, you should have already written your dispute out in detail, attempted to settle the dispute with the other side, consulted with an attorney, and have taken a big breath! Don't take too big a breath, it is not that hard! However, filing suit can be a little time consuming and cost a few dollars.

On the bright side, if you are successful, you will feel that justice has been done. You may even end up with money that is due you. If you are unsuccessful, you will have learned a lot about the justice system. In any case, you will have the confidence of knowing how to resolve disputes within the system, a feeling that, unfortunately, very few people have felt.

STARTING THE SUIT.

The actual initiation of a suit is quite simple. To start a suit against an individual or corporation, you simply file a complaint or claim with the county clerk. Most counties in Florida have a form which is entitled 'complaint'. A complaint is a document that states the reasons why the defendant owes you money. This form is filled out and then filed with the clerk of the county court with the appropriate filing fee and the necessary charge for the sheriff

to deliver the complaint to the defendant, the person being sued. The complaint must be received by the person being sued. This is called service of process. Service of process must be done by the sheriff delivering the complaint to the defendant, the person being sued, or by certified mail, with return receipt requested. If the defendant is a corporation, service of process can be accomplished by serving the Secretary of State. A corporation can also be served by having a copy of the complaint delivered to one of the officers of the corporation. All of the fees paid to the clerk may be recovered if you are successful in winning the suit. These fees are called court costs and they should not be confused with attorney's fees, which may sometimes be collectable from the defendant. In most counties, the complaint form will also contain the date and time for the first hearing or meeting with the judge.

PRE-TRIAL CONFERENCE.

In most county courts in Florida, there are two hearings or meetings with the judge. The first date set is for the pre-trial conference. If the parties both show up at the pre-trial conference, and still do not settle the disputes, than a date is set for a final hearing. At the final hearing, the judge will hear both sides and decide the case. A pre-trial conference serves several purposes: it gives the parties one last chance to settle their differences without the court's aid, it gives the judge a chance to examine and comment about the possible use of evidence and the necessary time it will take to hear the case at the final hearing, and most important, a pre-trial conference can be used as an indicator for the parties so that they will be able to predict which way the judge leans in deciding the case.

In some county courts, both the pre-trial conference and the final hearing are held at the first hearing. Ask the clerk when you file the complaint which system is being used. The complaint form issued to you by the clerk will usually state whether the first hearing is for a pre-trial conference or whether it is for pre-trial conference and final hearing combined.

Many things can take place at the pre-trial conference depending upon the judge. Many times, the judge will give the parties one last chance to go outside and reconcile their differences. It is important to always be prepared at the pre-trial conference. You will be prepared if you have brought all relevant documents and papers with you, written out the entire situation, attempted to talk to the other side and consulted an attorney (steps 1 - 3).

Many other people will be at the pre-trial conference waiting to have the judge set a date for their hearing or hoping that the other party has not shown up. The clerk or the judge will then call each case and have each party step forward. The judge may then read the complaint, ask questions, or ask each party to tell their side of the story. Usually, the judge will give an indication in one form or another of what you must do to win your suit or if you have any chance

of winning your suit. If you are the defendant and you honestly owe the money, or you owe an amount of money but not the same amount that the plaintiff claims, do not hesitate to try to work out a payment agreement for the amount which is fair.

FINAL HEARING.

A final hearing takes place when the parties have not been able to settle their disputes and both parties have appeared for the suit at both the pre-trial and final conferences. Statistics show that nearly 90 percent of all small claims cases never reach final hearing. This is because many people are sensible enough to settle their disputes without going to court.

At the final hearing, it is important that you be prepared with all of your documents, evidence, and witnesses. It is also important that you dress up for the occasion and bring your best manners with you. If an attorney is not on the other side, the procedure during final hearing should be something like this:

The judge will usually read the complaint and then ask the plaintiff to tell his side of the story and show the court any documents or witnesses you might have to support his side of the story. the defendant will then present his side of the story. The judge may then ask questions.
NEVER SHOULD ANY PARTY INTERRUPT THE OTHER PARTY.

Discourteous conduct in the courtroom is the quickest way to lose the case. You should always be on time, courteous, dress up, and address the judge as "Your Honor" or "If it please the court". If you become so nervous that you are unable to stand up and speak before the court, simply have a friend read the entire situation as you have written it out in Step 1 and Step 2. Remember that the plaintiff has the burden of proof. This means that the plaintiff who has filed the complaint must show the court that he has a good claim. Unlike a criminal case, the plaintiff does not have to prove his claim beyond any reasonable doubt. He must show the court that it looks like he is more entitled to the money than the defendant.

Before going to a final hearing, you should always consult an attorney again to review with you the evidence which you should present, the individuals you should call as witnesses, and the ways in which you will present your side of the story. The judge will not usually make a decision about the case immediately following the evidence. Most judges prefer to send the parties a letter indicating their ruling. Remember, county court judges in small claims court can only grant the plaintiff a judgment. A judgment is a ruling or decision by the court. A judgment allows the plaintiff to have the court help him collect money from the defendant. Judgments are usually in favor of the plaintiff and will award the plaintiff a certain amount of money. When the court rules for the defendant, it is usually called an order of dismissal and not a judgment for the

defendant. An order of dismissal just dismisses (kicks out) the case, without actually deciding the issues of the case.

There are three ways to get a judgment. First, if the defendant does not come to court when he is supposed to, the court rules for the plaintiff and enters a default and final judgment. If the defendant admits to the judge that he does owe the money to the plaintiff, then the court will rule for the plaintiff. If the judge decides that the defendant owes the money, then he or she will rule for the plaintiff.

Step 5: COLLECTION

"Having a car towed away or a bank account frozen has a tremendous way of making one incredibly reasonable."

If the plaintiff receives a judgment, then he is entitled to have the court help him collect his money. There are two misconceptions about small claims court. The first is that when a judge awards a judgment to a plaintiff, the defendant will automatically and immediately pay the money owed. Many people believe this because they find it hard to believe that someone could ignore an order of the court. Another misconception is that the plaintiff will not be able to collect his money from the defendant because there is nothing he can do to make the defendant pay. The real situation is this. A plaintiff who has a judgment can use the courts and the sheriff to help him collect his money with certain restrictions. There are two main ways in which this is done. One of these ways is through a writ of garnishment. A writ of garnishment is an order of the court which will allow the plaintiff to take money of the defendant which is either held in a bank account of which is the defendant's salary. The other method is a writ of execution. A writ of execution is an order by the court which allows a sheriff to seize or take property which belongs to the defendant. After the sheriff seizes this property, the sheriff will hold a sheriff's sale and sell the property to the highest bidder. The money from this sale will then be given to the plaintiff up to the amount of the judgment. The restrictions on the use of garnishment or execution are called exemptions. In Florida, there are several kinds of property which are exempt. Exempt property is property belonging to the defendant which cannot be garnished or executed. Many times, a plaintiff will be able to collect his money from the defendant's property which would be exempt if the defendant had brought the exemption to the knowledge of the court. This raises a very important point, not only for small claims court but for law in general. You may have many rights provided by the United States Constitution, the Florida Constitution, Florida laws and federal laws, but if you do not raise these rights before the court, then you will lose those rights. In our society, those people who are unwilling to assert their rights, lose their rights.

Small claims court is a court nonetheless and is a part of our adversary system. Sometimes a judge will assert the rights of a layman for him. BUT DON'T COUNT ON IT! It is not his job. It is your job to present your case and your right to him in a courteous manner for his decision. It is the judge's job to rule on those matters put before him.

Well, enough admonishment. Another way which is related to execution can be used to collect on a judgment. This is recording a judgment. If a plaintiff receives a judgment he can then, for a small fee which is usually \$4.00, record that judgment in any county in Florida. When a judgment is recorded, it places a lien on any property of the defendant's in that county. A lien is a right of the plaintiff which attaches to the property. If the defendant's property is sold, he must pay off the entire lien before the property can be sold to another. Recording a judgment to establish a lien on real property of the defendant can be worthwhile if a defendant has real property. If the defendant does not have real property in the county, usually it will be a waste of money to record your judgment. Rather, the plaintiff should proceed by execution or garnishment as set out above.

Probably, the most difficult task facing a plaintiff who has received a judgment is finding property of the defendant to execute or finding wages or bank accounts to garnish. There is a method of bringing the defendant, after judgment, into court to have him tell what property he owns and where he owns it. This method is called a supplementary proceeding or a deposition in aid of execution or hearing in aid of execution. If the defendant refuses to tell the court and the plaintiff during a supplementary proceeding where his property is located, or if the defendant lies, he can be held in contempt of court and sentenced to jail. The plaintiff should seek the aid of consideration of a lawyer during collection or ask the clerk for various forms of garnishment and execution. Sometimes, if the defendant's car is towed away, or the defendant's bank account garnished, the defendant will mysteriously show up with the money to pay the judgment without the necessity of a sheriff's sale or an order of the court releasing the money held by the garnishee to the garnishor or plaintiff.

Collection, whether it be in small claims court or whether it be for over one million dollars, in circuit court or federal district court, can be very complex and involved. Therefore, it is a matter which we will discuss more fully at our next seminar. Do not despair, there are lawyers who do nothing but specialize in collection and there are defendants who will pay once they have lost or who have readily available assets to garnish or execute.

SMALL CLAIMS COURT SIMULATION GAME

Small Claims Court Simulation Game

The following simulation was developed to demonstrate through role playing the process for settling citizens' disputes. It would be appropriate before using this simulation to invite someone from the Small Claims division of the county court to discuss proper procedure with your class.

Role Assignments: One judge
 One bailiff
 Two process servers
 Two civil division employees
 Four plaintiffs
 Four defendants
 Eleven witnesses

General Instructions: Your classroom will be transformed into a small claims court. There will be four cases tried. The proper paperwork, service of process must be completed before the actual trial. Time is to be allotted the parties for their case presentation. The instructor is responsible for completion of the following:

1. The instructor will assign the individual roles.
2. The instructor will provide the civil division employees with adequate forms.
3. The instructor will decide when the court will convene.

Role Descriptions: Judge - The judge will preside over the small claims court. It will be his final decision in all four cases. The judge should go over landlord/tenant laws, contract laws, and warranty law.

 Bailiff - The bailiff is responsible for docket order and notification of this order. In addition, the bailiff will maintain the court order.

 Process server - The process servers will serve all process given to them by the civil division employees. The servers will develop their own system for proving process was served.

 Civil division employee - The civil division employee will provide the proper forms to be filed with the court; notify the bailiff of upcoming cases; and give

the process server the necessary papers.

Plaintiff - The plaintiff must file his case properly with the civil division. The The bailiff will give you your court time for appearance.

Defendant - The defendant needs to prepare his case.

Witnesses - The witness should develop his statements for testifying.

"THE DISPUTED REPAIR"

Plaintiff - Gary Beefs
Defendant - Cabinetmaker Stores
Witnesses for Plaintiff - Martha Watson
Witnesses for Defendant - Martin Smith
Linda Stevenson

Plaintiff - You purchased a \$400 wall unit from the Cabinetmaker Stores in Sanford, Florida. The wall unit was pre-packed into four units. You did not check the condition of the units when you picked them up because you were moving to Orlando the next week and it was more convenient not to unpack them. Your friend, Martha Watson, was with you when you had them put into your van. The store manager told you that if anything was wrong with the unit, the Cabinetmaker Store in Orlando would fix it. Upon setting up the wall unit, two side pieces are split. The store in Orlando will not replace the split sections but will repair them. You feel you deserve a new wall unit. You are suing in small claims court. You have the paid bill to submit into evidence.

Defendant - A customer, Gary Beefs, purchased a \$400 wall unit from your Sanford store. The customer did not check for damages upon accepting the merchandise. The customer did state that he was moving to the Orlando area and asked for the name of your Orlando store if there were any problems. You furnished this information. The customer has two damaged pieces of the wall unit. Your store claims there is no way to determine that the damage did not occur in moving. You have agreed to repair the damage, but the customer is suing for a new wall unit which you will not agree to. Martin Smith is your repairman and he will testify the split pieces can be repaired. Linda Stevenson is the store manager which handled the store transaction.

"WHO DESERVES THE SECURITY DEPOSIT"

Plaintiff - Happy Days (tenant)
Defendant - John Johnson (landlord)
Witness for Defendant - Bill Miller
Witness for Plaintiff - Sam Little
Marty Brown

Tenant - You have been renting an apartment from John Johnson. Upon proper notice you moved. Mr. Johnson will not release your \$250 deposit because of a blue stain on the bedroom carpet. Mr. Johnson has given proper notice of the non-refunding of your money. He has given you a \$250 repair bill from Bill's Carpet House. You have decided to go to Small Claims Court to recover a fair portion of your deposit money. During the court hearing, you will introduce Sam Little, who can testify as to the small size of the stain and Mary Brown, of Brown's Carpet, who can state that the cost of repair should be only \$50.

Landlord - Mr. John Johnson notified Happy Days, within fourteen days, that her \$250 security deposit would not be refunded due to the fact that there was a blue stain on the bedroom carpet. A repair bill from Bill's Carpet House for \$250 was furnished. You will bring Bill Miller of Bill's Carpet to testify.

"WHO OWNS THE MOPED"

Plaintiff - Grizzly Smith
Defendant - Ed Norton
Witnesses for Plaintiff - Mrs. Grizzly Smith (wife)
Cassandra Owens
Witnesses for Defendant - Mrs. Ed Norton (wife)
Fred Rogers

Plaintiff - You sold Ed Norton your Moped for \$300. You gave him a cash receipt for \$150 which you say was the down payment. The balance was to be paid as Ed could arrange it. However, you have no written contract. Ed believes the total price was \$150. He will not return the Moped and you are suing. You have your wife and a neighbor, Cassandra Owens, as your witnesses.

Defendant - You paid Grizzly Smith \$150 for a Moped he owned. He gave you a cash receipt for \$150. He is suing you because he claims the total price was \$300. There is no written contract. You have your wife and Fred Rogers, a neighbor, as your witnesses.

"A TORN CAR SEAT"

Plaintiff - Tom Maslow

Defendants - Al's Tape Center (Al)

Witness for the Plaintiff - Al Einstein

Plaintiff - Al's Tape Center installed an eight-track stereo system into your 1980 Corvette. Upon picking up your car, you discovered a slash on the bucket seat. You brought it to the attention of Al, who refuses responsibility for the damage. You are suing for \$100 to repair the slash. Al Einstein was with you when you left the car for the stereo installation. He will testify to the condition of your car.

Defendant - Your company installed an eight-track stereo system into Tom Maslow's 1980 Corvette. When Tom picked up his car, he claimed that your company put a slash into his passenger bucket seat. He demanded \$100 for repair. You did not settle with him; you did not do the damage. Tom is suing you for \$100.

County Court In And For
Seminole County, Florida
Summary Claims Division

Plaintiff

VS

CASE NO. _____

Defendant

ENTRY OF DEFAULT

It appearing that the above named defendant(s) herein
has been duly served with notice as required by law and
having failed to be present as required by law.

It is ORDERED that a default be and the same is hereby
entered against the said defendant(s) for failure to be so
present as required by law.

DONE AND ORDERED this _____ day of _____, 19

Judge, County Court
Summary Claims Division

Circuit Court In And For
Seminole County, Florida
Summary Claims Division

Affidavit As To Defendant's Default
In Stipulation Of Payment

STATE OF FLORIDA)
)
COUNTY OF SEMINOLE)

The undersigned, being first duly sworn, deposes and says as follows:

1. That (s)he is (Plaintiff, Agent for Plaintiff, Attorney for Plaintiff) in Case No. _____
in County Court of Seminole County Florida, wherein _____
_____ is (are) Plaintiff(s) and _____
_____ is (are) Defendant(s).

2. That said Defendant(s) has (have) failed to make payment of money due said Plaintiff(s) in the manner provided in the Stipulation hereinbefore filed in this cause.

3. That the said Stipulation provided for the payment of damages in the amount of \$ _____ and costs in the amount of \$ _____ for a total of \$ _____, and of that sum \$ _____ has been paid leaving a balance of \$ _____ now past due and unpaid.

4. That the Plaintiff(s) move(s) the Court to issue a WRIT OF EXECUTION in the above referenced case.

And further the undersigned saith not.

Subscribed and sworn to before me this _____ day of _____, 19____

Notary Public, State of Florida/Clerk, County Court

My commission Expires: _____

S E A L

County Court, Seminole County, Florida

SUMMARY CLAIMS DIVISION

STIPULATION

CASE NO. _____

Come (s) now the undersigned plaintiff (s) and defendant (s) herein and stipulate unto the above named Court as follows:

1. That the defendant (s) is (are) indebted to the plaintiff (s) in the amount of \$ on account of this claim and \$ on account of Court costs herein, and that said indebtedness is just, past due and unpaid and a judgment in favor of the plaintiff for that amount shall be entered by the Court.

2. That defendant (s) will pay to plaintiff (s) the sum of \$ on the day of, 19, and \$ on the day of each month/week thereafter, until the sum of \$ plus \$ costs of Court are fully paid.

3. And further, the defendant (s) will, in addition to the aforesaid payment and at the time each such payment is made, pay 6% per annum, interest on the then unpaid balance of the aforesaid indebtedness and costs.

4. That so long as such payments are so made, the Court shall withhold its Writ of Execution on such judgment.

5. And said defendant (s) hereby represent (s) to the Court that the following is (her, their, his) current mailing address:

.....
The plaintiff (s) and defendant (s) will keep the Court advised of any change of mailing address.

6. That upon the plaintiff (s), or any of them, giving notice to the Court upon filing an affidavit of the amount due that defendant (s) has (ve) defaulted in the aforesaid payments, the Court will issue, without notice to the defendant (s), its Writ of Execution to the Sheriff who may then proceed with levy according to law against the defendant (s) property.

7. This action has been brought in a county in which venue is proper, pursuant to Chapter 47, Florida Statutes.

WITNESS our hands this _____ day of _____, 19 _____

Defendant

Plaintiff

Defendant

Plaintiff

WITNESS: (IF TAKEN TO COURT)

Clerk, County Court

ACKNOWLEDGEMENT IF EXECUTED OUTSIDE OF COURT
STATE OF FLORIDA
COUNTY OF _____

Before me personally appeared plaintiff (s) and defendant (s) to me well known and known to me to be the person (s) described in and who executed the foregoing instrument, and acknowledge to and before me that they executed said instrument for the purposes there in expressed.

WITNESS my hand and official seal, this _____ day of _____, A.D., 19 _____.

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NOTARY PUBLIC

County Court, Seminole County, Florida

Summary Claims Division

CASE NO. _____

The Plaintiff:	)	(The Defendant:
	)	(
	)	(
	) Sues	(
	)	(
	)	(
Telephone No:	)	(Telephone No.

SUMMONS

NOTICE TO APPEAR

The State of Florida to:

(Defendant)

(Address)

YOU ARE HEREBY NOTIFIED that you are required to appear in person or by attorney in

_____ at _____

Florida on _____, 19____ at _____ o'clock ____ M. IF YOU FAIL TO
APPEAR ON SAID DATE, IN PERSON OR BY ATTORNEY, A JUDGMENT WILL BE ENTERED
AGAINST YOU.

Do not bring witnesses on the above date. You
must advise the Court, by mail or by phone, of any change in your mailing address.

Dated at _____, Florida, this _____, 19____

ARTHUR H. BECKWITH, JR.,
Clerk, County Court

(SEAL COUNTY COURT)

By: _____
Deputy Clerk

This form is for appearance date procedure and contemplates an additional appearance for trial.

TO THE PLAINTIFF:

This is also your memorandum of pre-trial. You are required to be present at the time, date and place set out
in the foregoing summons.

RIGHT TO VENUE

You have the right to require that this action be heard only in the County where one or more
defendants reside, where the transaction occurred, where the property involved is located,
or, if a secured promissory note, the county where payment is received. If this case has been
brought in a county other than one of the above and you wish to have the case tried in one of
the above counties, you may do so by orally requesting the change at the time and date
scheduled for you to appear or by making written request in advance of that date. The
written request must include the case number and be sent to the court; A copy must be
mailed to the plaintiff or plaintiff's attorney, if any, and any other defendants or their
attorneys, if any.

Circuit Court In And For
Seminole County, Florida
Summary Claims Division

Plaintiff

VS.

CASE NO.

Defendant

Witness Subpoena

THE STATE OF FLORIDA TO:

Name of Witness

Address

YOU ARE HEREBY COMMANDED to be and appear before the Judge of the County
Court of Seminole County, Florida, in Court Room A, in Seminole County Court

House, at _____ Florida, at _____ O'clock _____ M.,

on _____ the _____ day of _____ 19 _____

to testify and the truth to speak in behalf of the _____

in a certain matter before said Court pending and undetermined, as above styled.

AND THIS YOU WILL IN NO WISE OMIT

WITNESS, my hand and the seal
of said court on _____ 19 _____.

(SEAL)

ARTHUR H. BECKWITH, JR.
Circuit Court

By: _____
Deputy Clerk

RETURN OF SERVICE:

Received this Subpoena on the _____ day of _____, 19 _____ and I executed
the same in Seminole County, Florida, on the _____ day of _____, 19 _____
by serving a true copy of this original Subpoena on the within named _____
and at the same time I explained the contents thereof.
I also certify that I delivered to said witness the sum of \$ _____ as witness fee and
the sum of \$ _____ as mileage.

Person Serving the Subpoena

COSTS OF ABOVE WITNESS

WITNESS FEE \$ _____
MILEAGE \$ _____
SHERIFF FEE \$ _____
TOTAL FEE \$ _____

County Court In And For
Seminole County, Florida
Summary Claims Division

Plaintiff

—VS—

CASE NO. _____

Defendant

Final Judgment For Plaintiff

Plaintiff _____

hereby recovers from defendant, _____

the sum of \$_____ and cost of \$_____, for which let execution issue.

DONE and ORDERED in open Court at _____

Seminole County, Florida, this _____ day of _____, 19 _____.

Judge, County Court

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I, ARTHUR H. BECKWITH, JR., Clerk of the Circuit Court of Seminole County, Florida, do hereby certify that the foregoing is a true and correct copy of what the same purports to be as the original of the same appears of record in Docket Book Number _____, Page Number _____.

ARTHUR H. BECKWITH, JR.
Clerk of Circuit Court

BY _____
DEPUTY CLERK

(SEAL)

(Pursuant to section 55.03 Florida Statutes, 1963, this judgment bears interest. Pursuant to Section 55.10, Florida Statutes 1963, this judgment shall become a lien upon the real estate of the defendant when a certified transcript of it has been recorded with the Clerk of the Circuit Court of the County where such real estate is situated. Pursuant to Section 55.15, Florida Statutes 1963, this judgment entitles the Plaintiff to have a Writ of Execution issued commanding the Sheriff to seize and sell the real and personal property of the Defendant in order to satisfy this judgment.)

County Court, Seminole County, Florida

Summary Claims Division

CASE NO. _____

The Plaintiff:

)
)
)
)
)
)
)

Sues

(The Defendant:

(
(
(
(
(
(
(

Telephone No:

(Telephone No.

And claims the amount of \$ _____ together with costs and attorneys fees,
if applicable, as being due from the defendant and alleges as the basis of such suit the following matters:

A copy of the written instrument or invoice on which this suit is based is attached hereto.

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

Attorney for Plaintiff

_____ being duly sworn on oath states the foregoing claim is a just and true statement of the amount owing by the defendant to the Plaintiff, exclusive of all set-offs and just grounds of defense. Plaintiff states that the defendant(s) is/are not in the Military Service of the United States.

Plaintiff or Corporate Agent

Subscribed and sworn to before me this _____ day of _____ 19 _____

(Seal of Notary Public Here)

Deputy Clerk (or Notary Public)

Obtaining Credit

Creditors use a standard code to rate individuals. The credit bureaus become the collection center for an individual's records.

L.A.P. Activity - "How You're Rated"

Instructions: The following chart explains the credit rating system. It is suggested that the classroom teacher provide a copy of this exercise to each student. The instructor will then discuss the rating system.

Code Chart:

- * 0 - Too new to rate; approved but not used.
- * 1 - Pays or paid within 30 days of billing, pays accounts as agreed.
- * 2 - Pays or paid in more than 30 days, but not more than 60 days, or not more than one payment past due.
- * 3 - Pays or paid in more than 60 days, but not more than 90 days, or two payments past due.
- * 4 - Pays or paid in more than 90 days, but not more than 120 days, or three or more payments past due.
- * 5 - Account is at least 120 days overdue, but is not yet rated 9.
- * 6 - Not used in the code, skip to 7.
- * 7 - Making regular payments under Wage Earner Plan or Bankruptcy Act, or similar arrangement.
- * 8 - Repossession (indicate if it is voluntary return because of inability to pay on part of customer).
- * 9 - Bad debt; or account placed for collection; or customer left town with no forwarding address.

(Adding the score up)

A lender who desires to keep his delinquency rate under 4 percent will approve people scoring 100 or higher.

See Step 1 - Application Data

See Step 2 - Credit Bureau Information

NOTICE TO PLAINTIFF:

1. In setting out your claim in the space provided on the reverse side be sure to state: (1) the full name of all persons involved; (2) What was done or not done that gives rise to the claim; (3) When it occurred (day, month, and year); (4) Where it occurred (City, County, and State); (5) How much money is due you; (6) If you are entitled to interest on the money due you, you must state it separately showing the amount of interest due you to the date you file the claim and also give a per diem interest rate so that the Court may easily compute the amount of interest due from the date the claim is filed to the date the judgment is entered.
2. The jurisdiction of this Court is \$1,500.00 exclusive of interest and costs. If your claim is for more than this amount and you wish to bring suit in County Court, you must add into your claim the following statement: "ALL SUMS, EXCLUSIVE OF INTEREST AND COSTS, DUE IN EXCESS OF \$1,500.00 ARE HEREBY WAIVED."
3. Unless filed by an Attorney-at-Law, this claim must be signed and sworn to before a Deputy Clerk of the County Court or a Notary Public who must affix his or her Notary Seal.
4. When the SUMMONS — NOTICE TO APPEAR is to be served by registered mail, the claim must be filed in triplicate where suit is against one defendant, quadruplicate where suit is against two defendants, quintuplicate where suit is against three defendants, etc. When Sheriff's service is requested, one additional copy is required.
5. If your claim is founded on an instrument in writing such as Sales Contract, returned check, promissory note, written warranty, etc., it will be necessary for you to furnish 1 copy of such instrument for attachment as an exhibit to each claim form to be filed as required in Item 4 above. The Clerk will make copies of such items at \$1.00 per copy. Where insufficient copies are furnished by you, the Clerk will make the necessary copies and charge you for the same which charge will have to be paid at or prior to the Court taking any action on your claim.
6. The filing fee where suit is against one defendant, is (1) For all claims less than \$100.00 ... \$9.00, (2) For all claims of \$100.00 and less than \$1,000.00 ... \$18.00, (3) For all claims of \$1,000.00 or more ... \$23.50. If you wish to have the defendant personally served by the Sheriff of Seminole County, the Sheriff's fee will be \$12.00 for each person to be served, which fee must be paid in advance and is in addition to the filing fee. Make separate check payable to "Sheriff of Seminole County," for service of process fee.
7. Where appropriate, in the discretion of the Court, the above costs are added by the Court to the amount of your claim at the time judgment is entered. DO NOT ADD SUCH COSTS INTO THE AMOUNT STATED BY YOU AS THE AMOUNT BEING CLAIMED ON THE REVERSE SIDE.
8. The address of each defendant must be given in sufficient detail for delivery of NOTICE TO APPEAR by mail or for the Sheriff to find the defendant, if such defendant is to be personally served.
9. YOU ARE REQUIRED TO BE PRESENT AT THE TIME APPOINTED FOR THE PRE-TRIAL HEARING OF THIS CASE AS SHOWN IN THE NOTICE TO APPEAR DIRECTED TO THE DEFENDANT ON THE REVERSE SIDE HEREOF. IF YOU FAIL TO APPEAR AND THE DEFENDANT APPEARS, YOUR CLAIM MAY BE DISMISSED FOR WANT OF PROSECUTION, DEFENDANT MAY PROCEED TO TRIAL ON THE MERITS, OR THE CASE MAY BE CONTINUED AS THE JUDGE MAY DIRECT.

NOTICE TO BOTH PLAINTIFF AND DEFENDANT:

1. If you wish to have witnesses subpoenaed, contact the Clerk or Deputy Clerk of the County Court **AT ONCE**.
2. You may come with or without an Attorney.
3. YOU ARE ENCOURAGED TO CONTACT THE OPPOSING PARTY TO DETERMINE IF AN OUT-OF-COURT SETTLEMENT CAN BE REACHED BEFORE THE DAY OF PRE-TRIAL HEARING. IF SETTLEMENT IS REACHED, PLAINTIFF SHOULD ADVISE THE CLERK IN WRITING SO THAT THE CASE CAN BE REMOVED FROM THE COURT'S DOCKET.

STEP 1 APPLICATION DATA

Years on job	Below .5 UN 5	.5-1.49 Yr. 15	1.5-2.49 18	2.5-6.49 20	6.5-10.49 27	10.5-20.49 39	20.5 Up Retired 53
Home Phone	Yes 35	No 0	Close By 30				
Dept. Store/ Major Credit Card	None Given 0	Dept.Store 11	Major/Both 27				
Age of Auto	No Auto 0	1-2 Years 22	3 Yrs. 10	4-5 Under 1 9	Over 5 Yrs. 9		
Finance Co. Reference	Yes 5	No 11					
Source	New Cust. 5	Present Cust. 5	Former Cust. 18				

STEP 2 CREDIT BUREAU INFORMATION

Excel. & Sat.	Derog. Only -15	No Record -4	One 0	Two 8	Three & Up 18
---------------	-----------------------	-----------------	----------	----------	------------------

CONSUMER ASSISTANCE AGENCIES

The following information will be of help to you and your students for consumer problem research.

<u>PROBLEM</u>	<u>WHO TO CONTACT</u>	<u>TELEPHONE NUMBER</u>
Bank - Collections	Division of Bus.Regulations	800-342-2177 Ext. 9820
Bank & Credit Cards	Regional Administrator of National Banks Office of the Comptroller of the Currency 1510 First National Bank Tower Atlanta, GA 30303	
Condominiums	Bureau of Compliance Division of Florida Land Sales and Condominiums 725 S. Bruno Street Tallahassee, FL 32304	904-488-0712
Employment	Wage and Hours Division 437 Federal Building	420-6571
Employment - Discrimination	Equal Opportunity Bureau 300 Biscayne Way Miami, FL 33131	305-350-4491
Discrimination - Not Employment	Federal Bureau of Investi- gation	420-6381
Inter-state Related Problems	Federal Trade Commission 1718 Peach Tree St.,N.W. Room 1000 Atlanta, GA 30309	404-881-4836
Insurance	Insurance Commission 400 W. Robinson	423-6033
Tallahassee	Tod Taylor Rm. 428A-Larson Bldg. Tallahassee, FL 32304	904-488-6954
Chief Inspector	Gene Acree St.Treasurer's Office P.O. Drawer 3558 Lakeland, FL 33802	813-688-6951

Magazine Subscriptions	Magazine Action Line Publisher's Clearing House 382 Channel Drive Port Washington, NY 11050	
Fraudulent Transaction (Local)	State Attorney's Office Consumer Division	420-3880
Fraudulent Transaction (Statewide)	Attorney General's Office Dept. of Legal Affairs	904-458-5861
Fraudulent Transaction	Federal Trade Commission	404-881-4836
Investigation of Illegal Conduct (Local)	Police Departments	
Landlord/Tenant	Florida Hotel & Restaurant Comm.	295-3320
T.V. Repair	State Dept. of Business Regulations	813-272-3535
Wish to File Suit for Consumer Problem (Less than \$2500)	Small Claims Court	323-4330
Need a Lawyer	(1) Legal Aid - If income is less than \$60 per week, plus \$15 per child, up to \$120 per week with assets of \$2000 or less	841-8310
	(2) Lawyer Referral	422-4537
Information, Help in Mediation, Investiga- tion	(1) Better Business Bureau Orlando	843-9440
	(2) Better Business Bureau Winter Park	623-0192
	(3) Consumer Protection and Education Service	423-8917
Need Arbitration	Citizen Dispute Settlement Center	420-3700
Product Safety	U.S.Consumer Products Safety Commission 1330 West Peachtree N.W. Atlanta, GA 30309	
Real Estate	Real Estate Commission 400 W. Robinson	423-6036

Securities Fraud	Securities Division of Comptroller's Office 400 West Robinson	423-6115
Utilities	Florida Public Service Commission 400 West Robinson	423-6146
Grievances	Orange County Realty Board (Carl Patterson) Box 556 Windemere, FL 32786	876-2080
	Orange County Swimming Pool Bd. (Pete Hecht)	644-9881
	Orange County Medical Society 800 North Mills	898-3338
	Orange County Bar Association Grievance Committee 53 East Robinson	422-4537
Better Business Bureaus	Orlando Tom Utegaard	Hot Line 849-6246 843-9440
	Winter Park	623-0192
Mail Order	Mail Order Action Line 6 East 43 Street New York, NY 10017	

HOUSING

Home Purchase

The complexities of purchasing or selling a home can become a nightmare if one has no experience.

L.A.P. Activity - "House Closing"

Instructions: It is suggested that this activity be conducted in conjunction with a realtor or attorney. The teacher should provide a copy of the following closing statement. This example would then serve as a guideline for the guest lecturer.

Closing Statement attached.

Apartment Lease

With the increasing inflationary costs of owning ones own home, more people are becoming renters. The obligations of a lease should be presented to the students.

L.A.P. Activity - "The Apartment Lease"

Instructions: The teacher will give each student a copy of the following sample apartment lease. The instructor should discuss the following questions:

1. What is the landlord responsible for according to the lease?
2. What is the tenant held responsible for?
3. What steps must the tenant complete to have his security deposit returned?
4. What is a default? According to this lease what happens if the tenant defaults?

Agreement of Lease attached.
Application for Lease attached.

Closing Statement November 10, 1977

Seller: John and Jane Seller

Buyer: Tom and Tess Buyer

Property Address: 342 Arkon Place

County: Dade City: Juno

Legal Description:

Lot 1, Block 3, of Happy Acres according to the plat thereof recorded in Plat Book 4, page 65, Public Records of Dade County, Florida.

Closing Statement November 10, 1977

Seller: John and Jane Seller

Buyer: Tom and Tess Buyer

Property Address: 342 Arkon Place

County: Dade City: Juno

Legal Description:

Lot 1, Block 3, of Happy Acres according to the plat thereof recorded in Plat Book 4, page 65, Public Records of Dade County, Florida.

SELLER'S COPY	DUE SELLER	CREDIT BUYER
1. SELLING PRICE	49,000 00	XXXXXX XXX
*2. DOWN PAYMENT	XXXXXX XXX	2,000 00
3. MORTGAGES: a - Assumed by Buyer	XXXXXX XXX	37,675 00
b - Executed by Buyer	XXXXXX XXX	6,000 00
4. RENTS, pro-rated		70 00
5. INTEREST, pro-rated	68 67	
6. INSURANCE: Fire		XXXXXX XXX
Unearned Premium	14 25	
Other		XXXXXX XXX
7. TAXES: 52		
a - Based on 52 days credit to Seller, or		
b - Based on 113 days credit to Buyer		
8. 19-77 City Taxes	a	b 171 51
9. 19-77 County Taxes	a	b 428 77
10. 19-77 Personal Taxes	a	b
11. Refrig. & A/C	500 00	
12.		
13.		
TOTALS	49,582 92	46,345 28
14. Column "A" less Column "B"	46,345 28	XXXXXX XXX
*1 BALANCE DUE SELLER	3,237 64	XXXXXX XXX
SELLER'S EXPENSES OF SALE	CHARGE SELLER	
15. Abstracting Charges L.T.S. No. 233131	61 50	
16. Attorney Fee	100 00	
17. Broker's Commission	2,970 00	
18. Escrow Fees		
19. Florida Documentary Surtax Stamps on Deed	12 65	
20. Florida Revenue Stamps on Deed	147 00	
21. Intangible Tax on Mortgage	12 00	
22. Recording Mortgage	6 00	
23. Survey Charges		
24. Mortgage Transfer Fee	17 50	
25.		
*26 TOTAL EXPENSES TO SELLER	3,326 65	
SUMMARY:		
DOWN PAYMENT *(2)	2,000 00	
(plus) BALANCE DUE SELLER *(1)	3,237 64	
SUB TOTAL	5,237 64	
(less) SELLER'S EXPENSES *(26)	3,326 65	
NET CASH TO SELLER	1,910 99	

Taxes and Insurance pro-rated as of November 10, 1977, based on year 19-77, in the amount of \$200(city) \$500(cty) Abstract delivered to Florida Title Company

Insurance Policies delivered to Tom and Tess Buyer

Note, with cancelled stamps, to John and Jane Seller

"Received a true copy of above, check for Net Cash to Seller, and hereby approve above and certify it correct."

/s/ John Seller

/s/ Jane Seller

BUYER'S COPY	DUE SELLER	CREDIT BUYER
a. PURCHASE PRICE	49,000 00	XXXXXX XXX
*b. DOWN PAYMENT	XXXXXX XXX	2,000 00
c. MORTGAGES: a - Assumed by Buyer	XXXXXX XXX	37,675 00
b - Executed by Buyer	XXXXXX XXX	6,000 00
d. RENTS, pro-rated		70 00
e. INTEREST, pro-rated	68 67	
f. INSURANCE: Fire		XXXXXX XXX
Unearned Premium	14 25	
Other		XXXXXX XXX
g. TAXES: 52		
a - Based on 52 days credit to Seller, or		
b - Based on 113 days credit to Buyer		
h. 19-77 City Taxes	a	b 171 51
i. 19-77 County Taxes	a	b 428 77
j. 19-77 Personal Taxes	a	b
k. Refrig. & A/C	500 00	
l.		
m.		
TOTALS	49,582 92	46,345 28
a. Column "A" less Column "B"	46,345 28	XXXXXX XXX
*1 BALANCE DUE SELLER	3,237 64	XXXXXX XXX
BUYER'S EXPENSES OF SALE	CHARGE BUYER	
n. Abstracting Charges	22 50	
o. Attorney Fees	490 00	
p. Escrow Fees		
q. Florida Revenue Stamps, on Note Mortgage	9 00	
r. Intangible Tax on Mortgage		
s. Recording Deed	4 00	
t. Recording Mortgage		
u. Survey Charges	50 00	
v. Mortgage Transfer Fee	17 50	
w.		
x.		
*2 TOTAL EXPENSES TO BUYER	593 00	
SUMMARY:		
BALANCE DUE SELLER *(1)	3,237 64	
(plus) BUYER'S EXPENSES *(2)	593 00	
NET CASH DUE FROM BUYER	3,830 64	

Taxes and Insurance pro-rated as of November 10, 1977, based on year 19-77, in the amount of \$200(city) \$500(cty) Abstract delivered to Florida Title Company

Insurance Policies delivered to Tom and Tess Buyer

Note, with cancelled stamps, to John and Jane Seller

"Received a true copy of above and hereby approve same and certify it correct."

/s/ Tom Buyer

/s/ Tess Buyer

BEST COPY AVAILABLE

AGREEMENT OF LEASE

THIS LEASE made this _____ day of _____, 19____, between LAKE HOWELL ARMS of Casselberry, Fla., located at Lake Howell Arms of Casselberry, Florida, as lessor, hereinafter referred to as the "landlord",

and _____ as lessee, hereinafter to as the "tenant".

WITNESSETH: That in consideration of the covenants herein contained on the part of the said tenant to be kept and performed, the said landlord does hereby lease to the said tenant, the property described as Apartment _____,

Casselberry, Florida, which lease shall be for the term of _____.

This lease will commence on the _____ day of _____, 19____, and expire at 12:00 P.M. midnight on the _____ day of _____, 19____.

Tenant shall pay to the landlord a total rental of \$_____, for said apartment which tenant agrees to pay in lawful money of the United States of America, on or before the first day of each and every month during the term hereof, payable at the office of the landlord as follows:

\$_____ cash simultaneously with the execution and delivery of these presents, the receipt of which is hereby acknowledged. The remainder shall be paid in the following installments on or before the following days:

\$_____ on the _____ day of each and every month for the remaining _____ months duration of this lease. First payment to commence _____.

The tenant hereby deposits the sum of \$_____ with the landlord, receipt of which is hereby acknowledged, as security for the full and faithful performance by the tenant of each and every term, covenant and condition of this lease. In the event the tenant shall default in the payment of any rent or shall fail to perform the terms, provisions, covenants and conditions of this lease, the landlord may use, apply or retain the whole or any part of the security so deposited for the payment of any rent and additional rent in default, or for any other sums which the landlord may expend or be required to expend by reason of the tenant's default, including any damage or deficiency in the reletting of said premises, whether such damage or deficiency accrues before or after summary proceedings or other re-entry by the landlord. In the event Tenant, without the written consent of Lessor, vacates the apartment prior to the end of the term then, in that event, Tenant agrees to pay to Lessor

the sum of \$_____ as liquidated damages for the expense and cost of making the apartment available for a new Tenant; but it is understood the liquidated damages shall not be construed to limit any other damages which may result from any breach of the Lease on the part of the Tenant. Tenant shall never use the security deposit for payment of rent.

In the event that tenant shall fully and faithfully comply with all of the terms, provisions, covenants and conditions of this lease, the security or any balance thereof shall be returned to the tenant after the time fixed as the expiration of the term hereof. The security deposit shall be refunded only if a thirty day notice to vacate is given to the landlord by tenant prior to an authorized termination of this agreement, the keys are returned to the agent, and the premises and its contents are found, upon inspection, to be in good, clean condition with no unusual damage, ordinary wear and tear excepted.

In the event the tenant does default on this lease and the security deposit does not cover the damages and reasonable attorney's fees, the landlord has the right to collect any further damages or any unpaid rental installments due on this lease. Tenant covenants and agrees that if default shall be made in the payment of the rent or if the tenant shall violate any of the covenants of this lease or the published rules and regulations, then the tenant shall become a tenant at sufferance and the landlord shall be entitled immediately to re-enter and retake possession and recover damages, including costs and reasonable attorneys' fees.

THE PARTIES HERETO, for themselves, their heirs, legal representatives, successors, and assigns, hereby covenant as follows:

1. Tenant will pay all utilities except water, gas and sewage.
2. Parking space is provided for tenants' use at no extra charge, at tenants' own risk. Landlord is not responsible for damages to vehicles or contents which are on the premises. Tenant agrees not to keep any vehicle of any type on the premises, except _____ current licensed automobiles, without the prior written consent of the lessor.
3. Tenant will use the apartment only as a private dwelling. Tenant agrees not to offer to rent, sublet, transfer or assign this lease without the prior written consent of the landlord.
4. Tenant agrees to make no unlawful, improper or offensive use of the demised premises and to quit and deliver up said premises and its contents at the end of said term in as good clean condition as they are now, ordinary wear and tear excepted.
5. Tenant agrees not to obstruct the sidewalks, hallways, or stairways or use them for any purpose other than ingress and egress.
6. Tenant agrees to comply with all laws, orders or government regulations and our rules and regulations.
7. Tenant may only keep pets or animals with our prior written consent.
8. Tenant may only paint or make alterations, additions or improvements to the rented premises with our prior written consent.
9. All goods and chattels placed and stored in or about the premises are at the risk of the tenant.
10. The landlord or any of its agents has the right to enter the premises occupied by the tenant during all reasonable hours to make inspections, repairs, additions, or alterations as may be deemed necessary for the safety, comfort or preservation thereof, or of said building, and further, to enter at any time for emergency repairs necessary for the protection of any person or of the building.
11. The herein demised premises is furnished with range, oven, refrigerator, and disposal.
12. Tenant agrees not to bring or keep a boat and/or trailer on the premises without prior written consent of the lessor.
13. Tenant agrees not to use any major appliance in the apartment other than what is furnished by the landlord without prior written consent of the landlord.
14. The tenant agrees that only those individuals listed on the application which is herein incorporated in this lease will occupy the dwelling unit.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands in duplicate the day and year first hereinabove written.

LAKE HOWELL ARMS OF CASSELBERRY, FLA.
(Lessor)

By _____

Witness as to Tenant

(Title)

(Lessee (Tenant))

(Lessee (Tenant))

LAKE HOWELL ARMS

Application for Lease

BLDG. NO. _____ TYPE _____
 ADDRESS _____
 RENT _____
 POSSESSION DATE _____
FOR AGENT USE ONLY

Lake Howell Arms
 700 Georgetown Drive
 Casselberry, Florida 32707

Phone: (305) 831-2900

TO: Lake Howell Arms, hereinafter called "Owner" the undersigned hereby apply for, and offer to execute a lease inform used by Owner for the premises herein described on the terms herein set forth. The representations herein made are true.

It is expressly agreed by the Owner that all information supplied on this application by the applicant will be maintained at all times in strictest confidence.

It is understood by the undersigned that this application is preliminary only and involves no obligation of the Owner, to approve this application or to deliver occupancy of the proposed premises.

1. NAME: Mr. _____ BIRTH DATE _____
 (MISS) Mrs. _____ BIRTH DATE _____
 Other Permanent Occupants? _____
 NAME: _____ Relationship _____ BIRTH DATE _____
 2. Present Address: _____ How Long? _____
 City _____ Phone _____
 Present Agent or Owner: _____ Homeowner _____ Renter _____
 Number of Autos: _____
 Previous Address: _____ City _____ State _____
 3. Occupation: _____ Title: _____
 Employed By: _____ How Long? _____
 Address of Employer: _____ Phone Number _____
 Approximate Annual Income from Employment: _____
 Wife Employed: _____ Income: _____
 4. What source of advertising, if any, brought you to Lake Howell Arms? _____
 5. Do you intend to bring a boat on the premises, if so, indicate type and length.
 Type of Boat _____ Length _____
- 5 (a) Pet _____ Breed _____ + Weight _____

6. REFERENCES:

Bank: _____ Type of Account(s): _____

Bank: _____ Type of Account(s): _____

Trade: _____ Trade: _____

Character: _____

Name: _____ Address: _____

Name: _____ Address: _____

7. Clubs, Church, and Organization Affiliations: _____

8. In case of emergency notify: _____

PLEASE NOTE:

1. Apartment rental includes water, rubbish removal, and all routine maintenance and repair.
2. Apartment rental does not include electric power, which will be metered and billed directly to the tenant. Applicant should apply for service with Florida Power Corporation, 510 Park Avenue, South, Winter Park, Florida 32789.
3. Lessor will furnish the kitchen with electric range, refrigerator and disposer.
4. No dogs, cats or other pets permitted without written agreement.
5. Regardless of date possession, the term of the lease shall be as set forth in such lease. The first rental shall be due on date of possession, and shall cover rental payable in advance for the remainder of such month. Thereafter, all rental shall be due and payable on the first day of the month in advance.
6. It is fully understood that if this application is approved, the deposit of \$ _____ which is made with this application, will be held as security for the performance of the covenants of the lease and as a damage deposit. It is further understood and agreed that if this application is not approved, said deposit will be returned to the undersigned.
7. The undersigned represent that they are not now renting a room or apartment under any other name and that they have never been dispossessed from any room or apartment and are not now being dispossessed.
8. In the event the applicant does not sign the lease and/or occupy the apartment by the possession date listed on the reverse side, all sums deposited with the owner will be forfeited as liquidated damages.
9. Until execution and delivery of a lease to the applicant, the Owner reserves the right to reject this application for any reason.

Signature of Applicant(s): _____

Leasing Agent: _____

LAKE HOWELL ARMS

By _____ Date: _____

APPENDIX

Guest Speaker Procedure

An integral component of a law curriculum is the inclusion of community speakers. It is suggested the instructor consider the following:

1. Adequate notice of several weeks is necessary for the lecturer to arrange his schedule.
2. Be prepared if there is a last minute cancellation! It is not unusual for attorneys or law enforcement personnel to have a last minute emergency. The class needs to be flexible in their attitudes towards cancellation.

It is not a personal affront.

3. Prepare your class for each individual speaker. They should be made aware of who the speaker is, and his purpose in appearing that day.
4. A letter of appreciation should be sent both to the lecturer and his employer.

The Dividends Program under the direction of Dede Schaffner is prepared to help individual teachers arrange guest speakers. She may be contacted at Altamonte Elementary School or by telephoning 834-8211.

Court Visitation

One is entitled to attend judicial hearings. Court visitation on an extra credit basis is a possibility for supplementing the student's classroom experiences.

Court Observation Form

Name: _____ Date: _____

Court (circle one) Circuit or County

Type of Proceeding _____

Summary of Observations:

Bailiff's Signature: _____

On my honor, I have observed this proceeding and the information contained herein is true.

Student's Signature _____